

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.1 Invalidity of marriages; legitimacy of issue.

Sec. 1. If solemnized within this state, a marriage that is prohibited by law because of consanguinity or affinity between the parties, because either party had a wife or husband living at the time of solemnization, or because either party was not capable in law of contracting at the time of solemnization is absolutely void. The issue of such a marriage are legitimate.

History: R.S. 1846, Ch. 84;—CL 1857, 3222;—CL 1871, 4733;—How. 6223;—Am. 1883, Act 24, Imd. Eff. Apr. 11, 1883;—CL 1897, 8616;—CL 1915, 11392;—CL 1929, 12723;—CL 1948, 552.1;—Am. 1967, Act 229, Eff. Nov. 2, 1967;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.2 Invalidity of marriages; marriage of person under age of consent, marriage by fraud, lack of cohabitation.

Sec. 2. In case of a marriage solemnized when either of the parties was under the age of legal consent, if they shall separate during such non-age, and not cohabit together afterwards, or in case the consent of 1 of the parties was obtained by force or fraud, and there shall have been no subsequent voluntary cohabitation of the parties, the marriage shall be deemed void, without any decree of divorce or other legal process.

History: R.S. 1846, Ch. 84;—CL 1857, 3223;—CL 1871, 4734;—How. 6224;—CL 1897, 8617;—CL 1915, 11393;—CL 1929, 12724;—CL 1948, 552.2.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.3 Marriage of doubtful validity; procedure to annul.

Sec. 3. When a marriage is supposed to be void, or the validity thereof is doubted, for any of the causes mentioned in the 2 preceding sections; either party, excepting in the cases where a contrary provision is hereinafter made, may file a petition or bill in the circuit court of the county where the parties, or 1 of them, reside, or in the court of chancery, for annulling the same, and such petition or bill shall be filed, and proceedings shall be had thereon, as in the case of a petition or bill filed in said court for a divorce; and upon due proof of the nullity of the marriage, it shall be declared void by a decree or sentence of nullity.

History: R.S. 1846, Ch. 84;—CL 1857, 3224;—CL 1871, 4735;—How. 6225;—CL 1897, 8618;—CL 1915, 11394;—CL 1929, 12725;—CL 1948, 552.3.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.4 Marriage of doubtful validity; procedure to affirm.

Sec. 4. When the validity of any marriage shall be denied or doubted by either of the parties, the other party may file a bill or petition in the manner aforesaid, for affirming the marriage; and upon due proof of the validity thereof, it shall be declared valid by a decree or sentence of the court; and such decree, unless reversed on appeal, shall be conclusive upon all persons concerned.

History: R.S. 1846, Ch. 84;—CL 1857, 3225;—CL 1871, 4736;—How. 6226;—CL 1897, 8619;—CL 1915, 11395;—CL 1929, 12726;—CL 1948, 552.4.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.6 Complaint for divorce; filing; grounds; answer; judgment.

Sec. 6. (1) A complaint for divorce may be filed in the circuit court upon the allegation that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. In the complaint the plaintiff shall make no other explanation of the grounds for divorce than by the use of the statutory language.

(2) The defendant, by answer, may either admit the grounds for divorce alleged or deny them without further explanation. An admission by the defendant of the grounds for divorce may be considered by the court

but is not binding on the court's determination.

(3) The court shall enter a judgment dissolving the bonds of matrimony if evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—Am. 1851, Act 64, Eff. July 5, 1851;—CL 1857, 3227;—CL 1871, 4738;—How. 6228;—CL 1897, 8621;—CL 1915, 11397;—CL 1929, 12728;—CL 1948, 552.6;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.7 Action for separate maintenance; filing; grounds; answer; effect of admission; counterclaim for divorce; judgment.

Sec. 7. (1) An action for separate maintenance may be filed in the circuit court in the same manner and on the same grounds as an action for divorce. In the complaint the plaintiff shall make no other explanation of the grounds for separate maintenance than by use of the statutory language.

(2) The defendant, by answer, may either admit the grounds for separate maintenance alleged or deny them without further explanation. An admission by the defendant of the grounds for separate maintenance may be considered by the court but is not binding on the court's determination. The defendant may also file a counterclaim for divorce.

(3) If the defendant files a counterclaim for divorce, the allegation contained in the plaintiff's complaint as to the grounds for separate maintenance may be considered by the court but is not binding on the court's determination.

(4) If evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved, the court shall enter:

(a) A judgment of separate maintenance if a counterclaim for divorce has not been filed.

(b) A judgment dissolving the bonds of matrimony if a counterclaim for divorce has been filed.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—CL 1857, 3228;—CL 1871, 4739;—How. 6229;—CL 1897, 8622;—CL 1915, 11398;—CL 1929, 12729;—CL 1948, 552.7;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Former law: See section 4 of Ch. 2, Title VII of R.S. 1838, and Act 60 of 1844.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.8 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to additional grounds for divorce from bonds of matrimony.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.9 Judgment of divorce; residency requirement; exception.

Sec. 9. (1) A judgment of divorce shall not be granted by a court in this state in an action for divorce unless the complainant or defendant has resided in this state for 180 days immediately preceding the filing of the complaint and, except as otherwise provided in subsection (2), the complainant or defendant has resided in the county in which the complaint is filed for 10 days immediately preceding the filing of the complaint.

(2) A person may file a complaint for divorce in any county in the state without meeting the 10-day requirement set forth in subsection (1) if all of the following apply and are set forth in the complaint:

(a) The defendant was born in, or is a citizen of, a country other than the United States of America.

(b) The parties to the divorce action have a minor child or children.

(c) There is information that would allow the court to reasonably conclude that the minor child or children are at risk of being taken out of the United States of America and retained in another country by the defendant.

History: R.S. 1846, Ch. 84;—CL 1857, 3230;—CL 1871, 4741;—How. 6231;—Am. 1887, Act 137, Eff. Sept. 28, 1887;—Am. 1895, Act 202, Eff. Aug. 30, 1895;—Am. 1897, Act 116, Eff. Aug. 30, 1897;—CL 1897, 8624;—Am. 1899, Act 210, Eff. Sept. 23, 1899;—CL 1915, 11400;—CL 1929, 12731;—Am. 1931, Act 139, Imd. Eff. May 21, 1931;—Am. 1941, Act 2, Eff. Jan. 10, 1942;—Am.

1947, Act 323, Eff. Oct. 11, 1947;—CL 1948, 552.9;—Am. 1953, Act 174, Eff. Oct. 2, 1953;—Am. 1956, Act 95, Eff. Aug. 11, 1956;—Am. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958;—Am. 1959, Act 174, Eff. Mar. 19, 1960;—Am. 1974, Act 344, Imd. Eff. Dec. 21, 1974;—Am. 1989, Act 217, Imd. Eff. Nov. 27, 1989.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9a Decree of divorce; conditions.

Sec. 9a. No decree of divorce shall be granted in any case except when 1 of the following facts exists:

(a) The defendant is domiciled in this state at the time the bill of complaint for divorce is filed.

(b) The defendant shall have been domiciled in this state when the cause for divorce alleged in the bill or petition arose.

(c) The defendant shall have been brought in by publication or shall have been personally served with process in this state, or shall have been personally served with a copy of the order for appearance and publication within this state, or elsewhere, or has voluntarily appeared in the action or proceeding. Whenever any such order shall be served outside this state, proof of such service shall be made by the affidavit of the person who shall serve the same, made before a notary public, and when such affidavit shall be made outside this state it shall have attached the certificate of the clerk of a court of record, certifying to the official character of the notary and the genuineness of his or her signature to the jurat of the affidavit.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958;—Am. 1991, Act 147, Imd. Eff. Nov. 25, 1991.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9b, 552.9c Repealed. 1958, Act 227, Imd. Eff. May 26, 1958.

Compiler's note: The repealed sections provided that actions for divorce should be commenced by filing praecipe for summons with clerk, set forth requirements for filing, and provided for motion or petition for immediate relief.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9d Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to the occurrence of desertion.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9e Divorce; cause occurring out of state, residence.

Sec. 9e. Whenever the cause for divorce charged in the bill or petition has occurred out of this state, no decree of divorce shall be granted unless the complainant or defendant shall have resided in this state 1 year immediately preceding the filing of the bill of complaint for the divorce. Absence from this state for not to exceed 90 days shall not be construed as to interfere with the fulfillment of the 1-year residence requirement provided in the case of causes for divorce occurring without this state.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.9f Divorce; taking of testimony; minor children; perpetuating testimony; nonresident defendant, residence of plaintiff.

Sec. 9f. No proofs or testimony shall be taken in any case for divorce until the expiration of 60 days from the time of filing the bill of complaint, except where the cause for divorce is desertion, or when the testimony is taken conditionally for the purpose of perpetuating such testimony. In every case where there are dependent minor children under the age of 18 years, no proofs or testimony shall be taken in such cases for divorce until the expiration of 6 months from the day the bill of complaint is filed. In cases of unusual hardship or such compelling necessity as shall appeal to the conscience of the court, upon petition and proper showing, it may take testimony at any time after the expiration of 60 days from the time of filing the bill of complaint.

Testimony may be taken conditionally at any time for the purpose of perpetuating such testimony. When the defendant in any case for divorce is not domiciled in this state at the time of commencing the suit or shall not have been domiciled herein at the time the cause for divorce arose, before any decree of divorce shall be granted the complainant must prove that the parties have actually lived and cohabited together as husband and wife within this state, or that the complainant has in good faith resided in this state for 1 year immediately preceding the filing of the bill of complaint for divorce.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.10 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to collusion or misconduct of parties.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.11 Action for divorce; answer without oath.

Sec. 11. An action for a divorce may be brought by a wife or a husband, and in all cases the respondent may answer the bill without oath or affirmation.

History: R.S. 1846, Ch. 84;—CL 1857, 3232;—CL 1871, 4743;—How. 6233;—CL 1897, 8626;—CL 1915, 11402;—CL 1929, 12733;—CL 1948, 552.11;—Am. 1983, Act 211, Imd. Eff. Nov. 10, 1983.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.12 Suit; conduct, power of court.

Sec. 12. Suits to annul or affirm a marriage, or for a divorce, shall be conducted in the same manner as other suits in courts of equity; and the court shall have the power to award issues, to decree costs, and to enforce its decrees, as in other cases.

History: R.S. 1846, Ch. 84;—CL 1857, 3233;—CL 1871, 4744;—How. 6234;—CL 1897, 8627;—CL 1915, 11403;—CL 1929, 12734;—CL 1948, 552.12.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.13 Alimony; costs; termination.

Sec. 13. (1) In every action brought, either for a divorce or for a separation, the court may require either party to pay alimony for the suitable maintenance of the adverse party, to pay such sums as shall be deemed proper and necessary to conserve any real or personal property owned by the parties or either of them, and to pay any sums necessary to enable the adverse party to carry on or defend the action, during its pendency. It may award costs against either party and award execution for the same, or it may direct such costs to be paid out of any property sequestered, or in the power of the court, or in the hands of a receiver.

(2) An award of alimony may be terminated by the court as of the date the party receiving alimony remarries unless a contrary agreement is specifically stated in the judgment of divorce. Termination of an award under this subsection shall not affect alimony payments which have accrued prior to that termination.

History: R.S. 1846, Ch. 84;—CL 1857, 3234;—CL 1871, 4745;—How. 6235;—CL 1897, 8628;—CL 1915, 11404;—CL 1929, 12735;—CL 1948, 552.13;—Am. 1951, Act 18, Imd. Eff. Apr. 5, 1951;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1974, Act 364, Eff. Apr. 1, 1975.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT)
DIVORCE

552.14 Action for annulment, divorce, or separate maintenance; entering personal protection order.

Sec. 14. (1) On the motion of a party at any time after the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, the court may at any time during the pendency of the action prohibit a party from imposing any restraint on the moving party's personal liberty by entering a

Rendered Tuesday, March 13, 2007

personal protection order under section 2950 or 2950a of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2950 and 600.2950a of the Michigan Compiled Laws.

(2) On the motion of a party, before or at the time of a judgment of divorce, order for separate maintenance, or decree of annulment, regardless of whether a personal protection order has been issued under subsection (1), the court may enter a personal protection order under section 2950 or 2950a of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2950 and 600.2950a of the Michigan Compiled Laws.

History: R.S. 1846, Ch. 84;—CL 1857, 3235;—CL 1871, 4746;—How. 6236;—CL 1897, 8629;—CL 1915, 11405;—CL 1929, 12736;—CL 1948, 552.14;—Am. 1978, Act 318, Imd. Eff. July 10, 1978;—Am. 1983, Act 229, Imd. Eff. Nov. 28, 1983;—Am. 1994, Act 57, Eff. July 1, 1994;—Am. 1994, Act 342, Eff. Apr. 1, 1996;—Am. 1994, Act 417, Eff. Apr. 1, 1995.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.15 Care, custody, and support of minor children during pendency of action; support order; enforcement.

Sec. 15. (1) After the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, on the motion of either party or the friend of the court, or on the court's own motion, the court may enter orders concerning the care, custody, and support of the minor children of the parties during the pendency of the action as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, and as the court considers proper and necessary. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: R.S. 1846, Ch. 84;—CL 1857, 3236;—CL 1871, 4747;—How. 6237;—CL 1897, 8630;—CL 1915, 11406;—CL 1929, 12737;—Am. 1939, Act 134, Eff. Sept. 29, 1939;—CL 1948, 552.15;—Am. 1985, Act 214, Eff. Mar. 1, 1986;—Am. 1989, Act 274, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.16 Care, custody, and support of minor child after annulment or judgment of divorce or separate maintenance; enforcement.

Sec. 16. (1) Upon annulling a marriage or entering a judgment of divorce or separate maintenance, the court may enter the orders it considers just and proper concerning the care, custody, and, as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, support of a minor child of the parties. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: R.S. 1846, Ch. 84;—CL 1857, 3237;—CL 1871, 4748;—How. 6238;—CL 1897, 8631;—CL 1915, 11407;—Am. 1929, Act 254, Eff. Aug. 28, 1929;—CL 1929, 12738;—Am. 1939, Act 134, Eff. Sept. 29, 1939;—CL 1948, 552.16;—Am. 1985, Act 214, Eff. Mar. 1, 1986;—Am. 1989, Act 274, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.16a Repealed. 2001, Act 107, Eff. Sept. 30, 2001.

Compiler's note: The repealed section pertained to support of child after child reaches 18 years of age.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.17 Revision and alteration of judgment concerning care, custody, maintenance, and support of children; enforceability of order.

Sec. 17. (1) After entry of a judgment concerning annulment, divorce, or separate maintenance and on the petition of either parent, the court may revise and alter a judgment concerning the care, custody, maintenance, and support of some or all of the children, as the circumstances of the parents and the benefit of the children require.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

History: R.S. 1846, Ch. 84;—CL 1857, 3238;—CL 1871, 4749;—How. 6239;—CL 1897, 8632;—CL 1915, 11408;—CL 1929, 12739;—CL 1948, 552.17;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.17a Jurisdiction of court; application for modification of judgment or order; waiver of contempt.

Sec. 17a. (1) The court has jurisdiction to make an order or judgment relative to the minor children of the parties as authorized in this chapter to award custody of each child to 1 of the parties or a third person until each child has attained the age of 18 years and may require either parent to pay for the support of each child until each child attains that age. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as authorized in this chapter for a child of the parties to provide support for the child after the child reaches 18 years of age.

(2) Upon an application for modification of a judgment or order when applicant is in contempt, for cause shown, the court may waive the contempt and proceed to a hearing without prejudice to applicant's rights and render a determination on the merits.

History: Add. 1939, Act 255, Eff. Sept. 29, 1939;—CL 1948, 552.17a;—Am. 1954, Act 2, Eff. Aug. 13, 1954;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 7, Imd. Eff. Feb. 14, 2002.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.18 Rights or contingent rights in and to vested or unvested benefits or accumulated contributions as part of marital estate subject to award by court; amendment of court order to satisfy requirements of eligible domestic relations order.

Sec. 18. (1) Any rights in and to vested pension, annuity, or retirement benefits, or accumulated contributions in any pension, annuity, or retirement system, payable to or on behalf of a party on account of service credit accrued by the party during marriage shall be considered part of the marital estate subject to award by the court under this chapter.

(2) Any rights or contingent rights in and to unvested pension, annuity, or retirement benefits payable to or on behalf of a party on account of service credit accrued by the party during marriage may be considered part of the marital estate subject to award by the court under this chapter where just and equitable.

(3) Upon motion of a party or upon consent of the parties, an order of the court under this section entered before the effective date of the amendatory act that added this subsection shall be amended to satisfy the requirements of an eligible domestic relations order and to effectuate the intent of the parties or the ruling of the court. As used in this subsection, "eligible domestic relations order" means a domestic relations order that is an eligible domestic relations order under the eligible domestic relations order act.

History: Add. 1985, Act 43, Imd. Eff. June 13, 1985;—Am. 1991, Act 86, Imd. Eff. July 18, 1991.

Compiler's note: Former MCL 552.18, pertaining to disposition of real estate to wife, was repealed by 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.19 Restoration of real and personal estate to parties.

Sec. 19. Upon the annulment of a marriage, a divorce from the bonds of matrimony or a judgment of separate maintenance, the court may make a further judgment for restoring to either party the whole, or such parts as it shall deem just and reasonable, of the real and personal estate that shall have come to either party by reason of the marriage, or for awarding to either party the value thereof, to be paid by either party in money.

History: R.S. 1846, Ch. 84;—CL 1857, 3240;—CL 1871, 4751;—How. 6241;—CL 1897, 8634;—CL 1915, 11410;—CL 1929, 12741;—CL 1948, 552.19;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.20 Real and personal property or money in lieu thereof; delivery or payment to trustee; investment; application of income.

Sec. 20. Upon every divorce, and upon every divorce from bed and board for any cause, if any real and personal estate of either party, or money in lieu of the real or personal estate is awarded to either party as provided in section 19, the court, instead of ordering it to be delivered or paid to either party, may order it to be delivered or paid to a trustee or trustees, to be appointed by the court, upon trust to invest it, and to apply the income from it to the support and maintenance of either party, and of the children of the marriage, or any of them, in the manner as the court shall direct.

History: R.S. 1846, Ch. 84;—CL 1857, 3241;—CL 1871, 4752;—How. 6242;—CL 1897, 8635;—CL 1915, 11411;—CL 1929, 12742;—CL 1948, 552.20;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.21 Payment of principal sum on court order; bonds.

Sec. 21. Such trustees shall also pay over the principal sum to either party and children of the marriage, when ordered by the court, in such proportions, and at such times as the court shall direct, regard being had, in the disposition of the income, as well as of the principal sum, to the situation and circumstances of either party and their children; and the trustees shall give such bonds as the court shall require, for the faithful performance of their trust.

History: R.S. 1846, Ch. 84;—CL 1857, 3242;—CL 1871, 4753;—How. 6243;—CL 1897, 8636;—CL 1915, 11412;—CL 1929, 12743;—CL 1948, 552.21;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.22 Disclosure of property.

Sec. 22. Whenever the court shall think proper to award to either party any of the real and personal estate of either party, or any money in lieu thereof, such court may require either party to disclose on oath, what real and personal estate has come to either party by reason of the marriage, and how it has been disposed of, and what portion thereof still remains in the hands of either party.

History: R.S. 1846, Ch. 84;—CL 1857, 3243;—CL 1871, 4754;—How. 6244;—CL 1897, 8637;—CL 1915, 11413;—CL 1929, 12744;—CL 1948, 552.22;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.23 Judgment of divorce or separate maintenance; further award of real and personal estate; transmittal of payments to family independence agency; service fee; computation, payment, and disposition; failure or refusal to pay service fee; contempt; “state disbursement unit” or “SDU” defined.

Sec. 23. (1) Upon entry of a judgment of divorce or separate maintenance, if the estate and effects awarded to either party are insufficient for the suitable support and maintenance of either party and any children of the marriage as are committed to the care and custody of either party, the court may further award to either party the part of the real and personal estate of either party and spousal support out of the real and personal estate,

to be paid to either party in gross or otherwise as the court considers just and reasonable, after considering the ability of either party to pay and the character and situation of the parties, and all the other circumstances of the case.

(2) Upon certification by a county family independence agency that a complainant or petitioner in a proceeding under this chapter is receiving public assistance either personally or for children of the marriage, payments received by the friend of the court or the state disbursement unit for the support and education of the children or maintenance of the party shall be transmitted to the family independence agency.

(3) To reimburse the county for the cost of enforcing a spousal or child support order or a parenting time order, the court shall order the payment of a service fee of \$2.00 per month, payable semiannually on each January 2 and July 2. The service fee shall be paid by the person ordered to pay the spousal or child support. The service fee shall be computed from the beginning date of the spousal or child support order and shall continue while the spousal or child support order is operative. The service fee shall be paid 6 months in advance on each due date, except for the first payment, which shall be paid at the same time the spousal or child support order is filed, and covers the period of time from that month until the next calendar due date. An order or judgment that provides for the payment of temporary or permanent spousal or child support that requires collection by the friend of the court or the SDU shall provide for the payment of the service fee. Upon its own motion, a court may amend such an order or judgment for the payment of temporary or permanent spousal or child support to provide for the payment of the service fee in the amount provided by this subsection, upon proper notice to the person ordered to pay the spousal or child support. The service fees shall be turned over to the county treasurer and credited to the general fund of the county. If the court appoints the friend of the court custodian, receiver, trustee, or escrow agent of assets owned by the husband and wife, or either of them, the court may fix the amount of the fee for such service, to be turned over to the county treasurer and credited to the general fund of the county. The court may hold in contempt a person who fails or refuses to pay a fee ordered under this subsection.

(4) As used in this act, "state disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: R.S. 1846, Ch. 84;—CL 1857, 3244;—CL 1871, 4755;—Am. 1877, Act 91, Eff. Aug. 21, 1877;—How. 6245;—CL 1897, 8638;—CL 1915, 11414;—CL 1929, 12745;—Am. 1947, Act 133, Eff. Oct. 11, 1947;—CL 1948, 552.23;—Am. 1951, Act 130, Eff. Sept. 28, 1951;—Am. 1958, Act 81, Eff. Sept. 13, 1958;—Am. 1964, Act 11, Eff. Aug. 28, 1964;—Am. 1967, Act 73, Eff. Jan. 1, 1968;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 175, Imd. Eff. Dec. 2, 1971;—Am. 1983, Act 193, Imd. Eff. Nov. 1, 1983;—Am. 1999, Act 159, Imd. Eff. Nov. 3, 1999.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.24 Transition to centralized receipt and disbursement of support and fees.

Sec. 24. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 159, Imd. Eff. Nov. 3, 1999.

Compiler's note: Former MCL 552.24, which pertained to right of wife to dower, was repealed by Act 75 of 1971, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) DIVORCE

552.27 Alimony or allowance for support and education of children as lien; default; powers of court.

Sec. 27. If alimony or an allowance for the support and education of the children is awarded to either party, the amount of the alimony or allowance constitutes a lien upon the real and personal estate of the adverse party as provided in section 25a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.65a. The court may do 1 or more of the following if the party defaults on the payment of the amount awarded:

(a) Order the sale of the property against which the lien is adjudged in the same manner and upon the same notice as in suits for the foreclosure of mortgage liens.

(b) Award execution for the collection of the judgment.

(c) Order the sequestration of the real and personal estate of either party and may appoint a receiver of the real estate or personal estate, or both, and cause the personal estate and the rents and profits of the real estate to be applied to the payment of the judgment.

(d) Award a division between the husband and wife of the real and personal estate of either party or of the husband and wife by joint ownership or right as the court considers equitable and just.

History: R.S. 1846, Ch. 84;—CL 1857, 3248;—Am. 1865, Act 255, Eff. June 22, 1865;—CL 1871, 4759;—Am. 1877, Act 44, Eff. Aug. 21, 1877;—How. 6247;—Am. 1897, Act 197, Eff. Aug. 30, 1897;—CL 1897, 8640;—CL 1915, 11416;—CL 1929, 12747;—CL 1948, 552.27;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1998, Act 96, Eff. Aug. 10, 1998.

Compiler's note: At the end of the first sentence of the first paragraph of this section, the reference to "1982 PA 295, MCL 552.65a" evidently should read "1982 PA 295, MCL 552.625a."

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) **DIVORCE**

552.28 Judgment for alimony or allowance or for appointment of trustees; revision or alteration.

Sec. 28. On petition of either party, after a judgment for alimony or other allowance for either party or a child, or after a judgment for the appointment of trustees to receive and hold property for the use of either party or a child, and subject to section 17, the court may revise and alter the judgment, respecting the amount or payment of the alimony or allowance, and also respecting the appropriation and payment of the principal and income of the property held in trust, and may make any judgment respecting any of the matters that the court might have made in the original action.

History: R.S. 1846, Ch. 84;—CL 1857, 3249;—CL 1871, 4760;—How. 6248;—CL 1897, 8641;—CL 1915, 11417;—CL 1929, 12748;—CL 1948, 552.28;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 290, Eff. Jan. 1, 1993.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) **DIVORCE**

552.29 Presumption of legitimacy.

Sec. 29. The legitimacy of all children begotten before the commencement of any action under this act shall be presumed until the contrary be shown.

History: R.S. 1846, Ch. 84;—CL 1857, 3250;—CL 1871, 4761;—How. 6249;—CL 1897, 8642;—CL 1915, 11418;—CL 1929, 12749;—CL 1948, 552.29;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) **DIVORCE**

552.30 Legitimacy of issue; dissolution of marriage.

Sec. 30. Upon the dissolution of a marriage because of a party's non-age at the time of the marriage, or because a party was otherwise not capable in law of contracting at the time of the marriage, the issue of the marriage are in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3251;—CL 1871, 4762;—How. 6250;—CL 1897, 8643;—CL 1915, 11419;—CL 1929, 12750;—CL 1948, 552.30;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

Revised Statutes of 1846 (EXCERPT) **DIVORCE**

552.31 Legitimacy of issue; dissolution of bigamous marriage entered into in good faith.

Sec. 31. When a marriage is dissolved on account of a prior marriage of either party, and it shall appear that the second marriage was contracted in good faith, and with the full belief of the parties that the former wife or husband was dead, that fact shall be stated in the decree of divorce or nullity; and the issue of such second marriage, born or begotten before the commencement of the suit, shall be deemed to be the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3252;—CL 1871, 4763;—How. 6251;—CL 1897, 8644;—CL 1915, 11420;—CL 1929, 12751;—CL 1948, 552.31.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.34 Action to annul marriage of minor.

Sec. 34. An action to annul a marriage on the ground that 1 of the parties was under the age of legal consent, as provided in section 3 of Act No. 128 of the Public Acts of 1887, being section 551.103 of the Michigan Compiled Laws, may be brought by the parent or guardian entitled to the custody of the minor or by the next friend of the minor, but the marriage shall not be annulled on the application of a party who was of the age of legal consent at the time of the marriage, or when it appears that the parties, after they had attained the age of consent, had freely cohabited as husband and wife.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—CL 1857, 3255;—CL 1871, 4766;—How. 6254;—CL 1897, 8646;—CL 1915, 11422;—CL 1929, 12753;—CL 1948, 552.34;—Am. 1983, Act 211, Imd. Eff. Nov. 10, 1983.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.35 Marriage annulment; action by party's next friend.

Sec. 35. If, at the time of a marriage, a party to the marriage was not capable in law of contracting, an individual admitted by the court as the party's next friend may bring an action to annul the marriage.

History: R.S. 1846, Ch. 84;—CL 1857, 3256;—CL 1871, 4767;—How. 6255;—CL 1897, 8647;—CL 1915, 11423;—CL 1929, 12754;—CL 1948, 552.35;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.36 Marriage annulment; action by party to marriage.

Sec. 36. A party to a marriage who, at the time of the marriage, was not capable in law of contracting and who later becomes capable in law of contracting may bring an action to annul the marriage. The court shall not, however, annul the marriage if the court finds that the parties cohabited as husband and wife after the party became capable in law of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3257;—CL 1871, 4768;—How. 6256;—CL 1897, 8648;—CL 1915, 11424;—CL 1929, 12755;—CL 1948, 552.36;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.37 Marriage annulment; ground of force or fraud; effect of voluntary cohabitation.

Sec. 37. No marriage shall be annulled on the ground of force or fraud, if it shall appear that, at any time before the commencement of the suit, there was a voluntary cohabitation of the parties as husband and wife.

History: R.S. 1846, Ch. 84;—CL 1857, 3258;—CL 1871, 4769;—How. 6257;—CL 1897, 8649;—CL 1915, 11425;—CL 1929, 12756;—CL 1948, 552.37.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.38 Marriage annulment; ground of force or fraud; custody and maintenance of issue.

Sec. 38. If there shall be any issue of a marriage, annulled on the ground of force or fraud, the court shall decree their custody to the innocent parent, and may also decree a provision for their education and maintenance out of the estate and property of the guilty party.

History: R.S. 1846, Ch. 84;—CL 1857, 3259;—CL 1871, 4770;—How. 6258;—CL 1897, 8650;—CL 1915, 11426;—CL 1929, 12757;—CL 1948, 552.38.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.39 Marriage annulment; ground of physical incapacity; party to maintain; time limitation of suit.

Sec. 39. A suit to annul a marriage, on the ground of the physical incapacity of 1 of the parties, shall only be maintained by the injured party, against the party whose incapacity is alleged; and shall, in all cases, be brought within 2 years from the solemnization of the marriage.

History: R.S. 1846, Ch. 84;—CL 1857, 3260;—CL 1871, 4771;—How. 6259;—CL 1897, 8651;—CL 1915, 11427;—CL 1929, 12758;—CL 1948, 552.39.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.40-552.42 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed sections pertained to divorce decrees, adultery, and orders for support and maintenance of wife and children.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.43 Divorce from bed and board; decree; limited time, revocation.

Sec. 43. When a decree of divorce from bed and board forever, or for a limited time, shall have been pronounced, it may be revoked at any time thereafter, under such regulations and restrictions as the court may impose, upon the joint application of the parties, and their producing satisfactory evidence of their reconciliation.

History: R.S. 1846, Ch. 84;—CL 1857, 3264;—CL 1871, 4775;—How. 6263;—CL 1897, 8655;—CL 1915, 11431;—CL 1929, 12762;—CL 1948, 522.43.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.44 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to testimony taken before a circuit court commissioner.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.45 Children; enumeration in complaint; notice to prosecutor of friend of court; decree opposition, interest of prosecutor or partners in case.

Sec. 45. Every bill of complaint filed shall set forth the names and ages of all children of the marriage, and if there are children under 17 years of age a copy of the summons issued in the cause shall be served upon the prosecuting attorney of the county where suit is commenced, or upon the friend of the court in those counties having a population of 500,000 or more that have a friend of the court. The prosecuting attorney or friend of the court so served may enter his or her appearance in the cause, and if, in his or her judgment, the interest of the children or the public good so requires, he or she shall introduce evidence and appear at the hearing and oppose the granting of a decree of divorce. In a case in which there are no children the issue of such marriage under the age of 17 years, if it appears to the court that the public good requires, an order may be entered requiring the prosecuting attorney or friend of the court in counties having a population of 500,000 or more to appear and oppose the granting of a decree of divorce. Nothing in this act prevents prosecuting attorneys or their partners from acting as solicitors or counsel for either party to the suit. If a prosecuting attorney or friend of the court is in any way interested as solicitor or counsel for either of the parties the court shall appoint some reputable attorney to perform the services of prosecuting attorney, as provided in this act, who shall receive the compensation provided for such service.

History: Add. 1887, Act 137, Eff. Sept. 28, 1887;—How. 6263b;—CL 1897, 8657;—Am. 1907, Act 315, Eff. Sept. 28, 1907;—Am. 1909, Act 284, Eff. Sept. 1, 1909;—CL 1915, 11433;—Am. 1919, Act 397, Eff. Aug. 14, 1919;—CL 1929, 12764;—Am. 1931, Act 44, Eff. Sept. 18, 1931;—CL 1948, 552.45;—Am. 1963, Act 13, Eff. Sept. 6, 1963;—Am. 2004, Act 376, Imd. Eff. Oct. 11, 2004.

Popular name: No-Fault Divorce

**Revised Statutes of 1846 (EXCERPT)
DIVORCE**

552.46 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to remarriage.

Popular name: No-Fault Divorce

JUDGMENTS OF DIVORCE OR SEPARATE MAINTENANCE (EXCERPT)

Act 259 of 1909

552.101 Judgment of divorce or separate maintenance; provision in lieu of dower; determining rights of wife or husband in and to policy of life insurance, endowment, or annuity; discharge of liability on policy; determination of rights; assignment of rights.

Sec. 1. (1) When any judgment of divorce or judgment of separate maintenance is granted in any of the courts of this state, the court granting the judgment shall include in it a provision in lieu of the dower of the wife in the property of the husband, which shall be in full satisfaction of all claims that the wife may have in any property that the husband owns or may own in the future or in which he may have any interest.

(2) Each judgment of divorce or judgment of separate maintenance shall determine all rights of the wife in and to the proceeds of any policy or contract of life insurance, endowment, or annuity upon the life of the husband in which the wife was named or designated as beneficiary, or to which the wife became entitled by assignment or change of beneficiary during the marriage or in anticipation of marriage. If the judgment of divorce or judgment of separate maintenance does not determine the rights of the wife in and to a policy of life insurance, endowment, or annuity, the policy shall be payable to the estate of the husband or to the named beneficiary if the husband so designates. However, the company issuing the policy shall be discharged of all liability on the policy by payment of its proceeds in accordance with the terms of the policy unless before the payment the company receives written notice, by or on behalf of the insured or the estate of the insured, 1 of the heirs of the insured, or any other person having an interest in the policy, of a claim under the policy and the divorce.

(3) Each judgment of divorce or judgment of separate maintenance shall determine all rights of the husband in and to the proceeds of any policy or contract of life insurance, endowment, or annuity upon the life of the wife in which the husband was named or designated as beneficiary, or to which he became entitled by assignment or change of beneficiary during the marriage or in anticipation of marriage. If the judgment of divorce or judgment of separate maintenance does not determine the rights of the husband in and to the policy of life insurance, endowment, or annuity, the policy shall be payable to the estate of the wife, or to the named beneficiary if the wife so designates. However, the company issuing the policy shall be discharged of all liability on the policy by payment of the proceeds in accordance with the terms of the policy unless before the payment the company receives written notice, by or on behalf of the insured or the estate of the insured, 1 of the heirs of the insured, or any other person having an interest in the policy, of a claim under the policy and the divorce.

(4) Each judgment of divorce or judgment of separate maintenance shall determine all rights, including any contingent rights, of the husband and wife in and to all of the following:

(a) Any vested pension, annuity, or retirement benefits.

(b) Any accumulated contributions in any pension, annuity, or retirement system.

(c) In accordance with section 18 of 1846 RS 84, MCL 552.18, any unvested pension, annuity, or retirement benefits.

(5) For any divorce or separate maintenance action filed on or after September 1, 2006, if a judgment of divorce or judgment of separate maintenance provides for the assignment of any rights in and to any pension, annuity, or retirement benefits, a proportionate share of all components of the pension, annuity, or retirement benefits shall be included in the assignment unless the judgment of divorce or judgment of separate maintenance expressly excludes 1 or more components. Components include, but are not limited to, supplements, subsidies, early retirement benefits, postretirement benefit increases, surviving spouse benefits, and death benefits. This subsection shall apply regardless of the characterization of the pension, annuity, or retirement benefit as regular retirement, early retirement, disability retirement, death benefit, or any other characterization or classification, unless the judgment of divorce or judgment of separate maintenance expressly excludes a particular characterization or classification.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11436;—CL 1929, 12766;—Am. 1939, Act 220, Eff. Sept. 29, 1939;—CL 1948, 552.101;—Am. 1982, Act 184, Imd. Eff. June 17, 1982;—Am. 1985, Act 42, Imd. Eff. June 13, 1985;—Am. 2006, Act 288, Imd. Eff. July 20, 2006.

JUDGMENTS OF DIVORCE OR SEPARATE MAINTENANCE (EXCERPT)

Act 259 of 1909

552.102 Realty owned jointly or by entireties; effect of divorce without determination of ownership in decree.

Sec. 2. Every husband and wife owning real estate as joint tenants or as tenants by entireties shall, upon being divorced, become tenants in common of such real estate, unless the ownership thereof is otherwise determined by the decree of divorce.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11437;—CL 1929, 12767;—CL 1948, 552.102.

JUDGMENTS OF DIVORCE OR SEPARATE MAINTENANCE (EXCERPT)

Act 259 of 1909

552.103 Realty owned jointly or by entireties; bill of complaint, disposal, sale order, partition.

Sec. 3. The bill of complaint or amendment thereto, or the answer or cross bill or amendment thereto, filed in any divorce proceeding may ask that the ownership of the lands described therein and owned by the parties to such suit as joint tenants or as tenants by entireties shall be determined by the decree of divorce, if granted, and in such case the court granting the divorce may award such lands to 1 or the other of said parties, or any part of it to either of them, or may order such lands to be sold under the direction of a circuit court commissioner, and the proceeds thereof divided between the parties in such proportion as the court shall order; or may appoint commissioners to partition such lands between said parties in the proportion fixed by the decree. The proceedings following the appointment of such commissioner shall conform to the law governing the partition of lands between tenants in common.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11438;—CL 1929, 12768;—CL 1948, 552.103.

JUDGMENTS OF DIVORCE OR SEPARATE MAINTENANCE (EXCERPT)

Act 259 of 1909

552.104 Divorce decree; certified copy; recording.

Sec. 4. A certified copy of any decree granted in a suit for divorce may be recorded in the office of the register of deeds of any county in this state.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11439;—CL 1929, 12769;—CL 1948, 552.104.

COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE (EXCERPT)

Act 379 of 1913

552.151 Alimony or support and maintenance order in suit for divorce or separate maintenance; petition; punishment for neglect or violation.

Sec. 1. In a suit for divorce or separate maintenance, if an order or decree for payment of temporary or permanent alimony, or of support and maintenance for minor children or for children who are 18 years of age or older, has been made, and if the party, plaintiff, or defendant, has appeared in person or by attorney or has been personally served with process within the jurisdiction of the court making the order or decree, then the court may punish by fine or imprisonment, or both, any neglect or violation of the order upon petition of the party whose rights may have been impaired, impeded, or prejudiced by neglect or violation.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11443;—CL 1929, 12773;—CL 1948, 552.151;—Am. 1962, Act 176, Eff. Mar. 24, 1963;—Am. 1990, Act 242, Imd. Eff. Oct. 10, 1990.

COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE (EXCERPT)

Act 379 of 1913

552.152 Payments in default; motion; attachment; “state disbursement unit” or “SDU” defined.

Sec. 2. (1) When a decree or order described in section 1 orders payments to be made to the clerk of the court, the friend of the court, or the state disbursement unit and a payment is in default, the party prejudiced may make a motion before the court showing by records in the clerk's or friend of the court's office, or otherwise, that the default has occurred, and the court may issue an attachment to arrest the party in default and bring the party immediately before the court to answer for the default.

(2) As used in this act, “state disbursement unit” or “SDU” means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11444;—Am. 1923, Act 232, Eff. Aug. 30, 1923;—CL 1929, 12774;—CL 1948, 552.152;—Am. 1962, Act 176, Eff. Mar. 28, 1963;—Am. 1999, Act 153, Imd. Eff. Nov. 3, 1999.

COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE (EXCERPT)

Act 379 of 1913

552.153 Order for payment; demand or notice not necessity.

Sec. 3. No demand or notice of making the order for such payment shall be necessary in the cases enumerated in section 1.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11445;—CL 1929, 12775;—CL 1948, 552.153;—Am. 1962, Act 176, Eff. Mar. 28, 1963.

COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE (EXCERPT)

Act 379 of 1913

552.154 Attachment; arrest, custody of party.

Sec. 4. The attachment shall be executed by the sheriff of the county, or by any officer authorized to make such arrest, who shall arrest the party named therein and keep him in actual custody and bring him forthwith before the court issuing the attachment, and shall keep and detain him until the court shall make some further order.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11446;—CL 1929, 12776;—CL 1948, 552.154;—Am. 1962, Act 176, Eff. Mar. 28, 1963.

COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE (EXCERPT)

Act 379 of 1913

552.155 Attachment; discharge by execution of bond, court order.

Sec. 5. The party arrested on the attachment shall be discharged therefrom upon executing and delivering to the clerk of the court issuing such attachment a bond, with 2 sufficient sureties in a penal sum to be fixed by the court, conditioned for immediate and faithful performance of the terms of the order for such payment, or the party may be discharged from arrest by such other order as the court may enter after a full hearing thereon.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11447;—CL 1929, 12777;—CL 1948, 552.155;—Am. 1962, Act 176, Eff. Mar. 28, 1963.

COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE (EXCERPT)

Act 379 of 1913

552.156 Transition to centralized receipt and disbursement of support and fees.

Sec. 6. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 153, Imd. Eff. Nov. 3, 1999.

CHANGE OF NAME OF DIVORCED WOMAN (EXCERPT)

Act 299 of 1905

552.391 Divorced woman; change of name.

Sec. 1. The circuit courts of this state, whenever a decree of divorce is granted, may, at the instance of the woman, whether complainant or defendant, decree to restore to her her birth name, or the surname she legally bore prior to her marriage to the husband in the divorce action, or allow her to adopt another surname if the change is not sought with any fraudulent or evil intent.

History: 1905, Act 299, Eff. Sept. 16, 1905;—CL 1915, 11435;—CL 1929, 12787;—CL 1948, 552.391;—Am. 1975, Act 40, Imd. Eff. May 12, 1975.

AWARD OF PROPERTY OWNED BY SPOUSE TO PARTY (EXCERPT)

Act 42 of 1949

552.401 Property owned by spouse; award to party contributing to acquisition, improvement, or accumulation thereof; effect of decree.

Sec. 1. The circuit court of this state may include in any decree of divorce or of separate maintenance entered in the circuit court appropriate provisions awarding to a party all or a portion of the property, either real or personal, owned by his or her spouse, as appears to the court to be equitable under all the circumstances of the case, if it appears from the evidence in the case that the party contributed to the acquisition, improvement, or accumulation of the property. The decree, upon becoming final, shall have the same force and effect as a quitclaim deed of the real estate, if any, or a bill of sale of the personal property, if any, given by the party's spouse to the party.

History: 1949, Act 42, Eff. Sept. 23, 1949;—Am. 1983, Act 215, Imd. Eff. Nov. 11, 1983.

AWARD OF PROPERTY OWNED BY SPOUSE TO PARTY (EXCERPT)
Act 42 of 1949

552.402 Certified copy of decree; recording or filing.

Sec. 2. A certified copy of any such decree may be recorded or filed in the office of the register of deeds of any county wherein any real estate or personal property described in such decree may be located.

History: 1949, Act 42, Eff. Sept. 23, 1949.

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.451 Proceedings for support of custodial parent and children; complaint; service; prohibition.

Sec. 1. A married parent who has a minor child or children living with him or her and who is living separate and away from his or her spouse who is the noncustodial parent of the child or children, and who is refused financial assistance by the noncustodial parent to provide necessary shelter, food, care, and clothing for the child or children, if the spouse is of sufficient financial ability to provide that assistance, may complain to the circuit court for the county where either parent resides for an order for support for himself or herself and the minor child or children. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the parent may also complain to the circuit court for support for a child or children after they reach 18 years of age. The proceedings shall be commenced by the filing of a complaint verified by the petitioner and by issuance of a summons that shall be personally served upon the noncustodial parent of the children and spouse of the petitioner. A complaint shall not be filed nor shall any summons issue if divorce or separate maintenance proceedings are then pending between the petitioner and his or her spouse.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 8, Imd. Eff. Feb. 14, 2002.

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.451a Proceedings for support of children; support order; burden of proof; applicability of section.

Sec. 1a. A custodial parent or guardian of a minor child or children or a child or children who have reached 18 years of age may proceed in the same manner, and under the same circumstances as provided in section 1, against the noncustodial parent for the support of the child or children. The order of support shall provide only for the support of the child or children, and the burden of proof shall be the same as provided in section 2. This section applies only to legitimate, legitimated, and lawfully adopted minor children and, subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, children after they reach 18 years of age.

History: Add. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 8, Imd. Eff. Feb. 14, 2002.

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.451b Proceedings for support of custodial parent and children being supported by public assistance; burden of proof.

Sec. 1b. The director of social services or his or her designated representative or the director of the county department of social services of the county where the custodial parent or minor child or children or child or children who have reached 18 years of age reside or the director's designated representative may proceed in the same manner and under the same circumstances as provided in sections 1 and 1a against the noncustodial parent for the support of the custodial parent and minor child or children or child or children who have reached 18 years of age if the custodial parent and minor child or children or child or children who have reached 18 years of age or any of them are being supported, in whole or in part, by public assistance under the social welfare act, Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws. The burden of proof shall be the same as provided in section 2.

History: Add. 1971, Act 195, Imd. Eff. Dec. 20, 1971;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990.

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.451c Repealed. 2001, Act 111, Eff. Sept. 30, 2001.

Compiler's note: The repealed section pertained to support for child after child reaches 18 years of age.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.452 Hearing; order; contents; burden of proving lack of ability to provide support; amount; enforcement of order; custody and parenting time.

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605. The order shall provide that payment shall be made to the friend of the court or the state disbursement unit. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability is on the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support for the child after the child reaches 18 years of age, or until the further order of the court.

(2) A support order entered under this section is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a child support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

(3) If there is no dispute regarding a child's custody, the court shall include in an order for support issued under this act specific provisions governing custody of and parenting time for the child in accordance with the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31. If there is a dispute regarding custody of and parenting time for the child, the court shall include in an order for support issued under this act specific temporary provisions governing custody of and parenting time for the child. Pending a hearing on or other resolution of the dispute, the court may refer the matter to the office of the friend of the court for a written report and recommendation as provided in section 5 of the friend of the court act, 1982 PA 294, MCL 552.505. In a dispute regarding custody of and parenting time for a child, the prosecuting attorney is not required to represent either party regarding the dispute.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1967, Act 75, Eff. Nov. 2, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1985, Act 212, Eff. Mar. 1, 1986;—Am. 1989, Act 276, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 5, Eff. June 1, 1996;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999;—Am. 2001, Act 111, Eff. Sept. 30, 2001;—Am. 2002, Act 574, Eff. Dec. 1, 2002.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.453 Transmitting order for support to friend of court.

Sec. 3. Upon the entry of any order for support under this act, a copy of the order shall be transmitted to the friend of the court of the county in which the order was entered.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1985, Act 212, Eff. Mar. 1, 1986.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.454 Prosecuting attorney as attorney for petitioner; utilization of child support formula as guideline; transmittal of payments to family independence agency.

Sec. 4. (1) If the county family independence agency where the custodial parent or guardian of the minor child or children or the child or children who have reached 18 years of age resides determines the custodial parent, the minor child or children, the child or children who have reached 18 years of age, or any of them to be eligible for public or medical assistance, or if a complaint is being filed under section 1b, the prosecuting attorney shall act as the attorney for the petitioner.

(2) The prosecuting attorney shall utilize the child support formula developed under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519, as a guideline in petitioning for child support. Upon certification by the family independence agency that the custodial parent and minor child or children or child or children who have reached 18 years of age are receiving public assistance, a payment received by the

friend of the court or the state disbursement unit for the support of the custodial parent and minor child or children or child or children who have reached 18 years of age shall be transmitted to the family independence agency.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1971, Act 195, Imd. Eff. Dec. 20, 1971;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1985, Act 212, Eff. Mar. 1, 1986;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.455 Modification of order; application and notice; order void upon entry of judgment of divorce or separate maintenance.

Sec. 5. An order entered under section 2 may be modified by the court upon proper application to the court and due notice to the opposite party. If a judgment of divorce or of separate maintenance is entered by a court having personal jurisdiction over the parties, an order entered under this act is null and void upon the effective date of the judgment.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 5, Eff. June 1, 1996;—Am. 2002, Act 8, Imd. Eff. Feb. 14, 2002.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.456 Warrant for criminal nonsupport; testimony.

Sec. 6. A warrant for criminal nonsupport shall not issue or be enforced against any parent who is a party to the proceedings provided for in this act if the parent complies with an order entered by a court as provided in this act. The parent's testimony, if any, in proceedings under this act is not admissible in such criminal proceedings.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.457 Reimbursement of county for cost of enforcing support or parenting time orders; service fee; computation, payment, and disposition; failure or refusal to pay service fee; contempt.

Sec. 7. (1) To reimburse the county for the cost of enforcing support or parenting time orders under this act, the court shall order the payment of a service fee of \$2.00 per month, payable semiannually on each January 2 and July 2, to the friend of the court or state disbursement unit. The service fee shall be paid by the person ordered to pay the support money. The service fee shall be computed from the beginning date of the support order and shall continue while the support order is operative. The service fee shall be paid 6 months in advance on each due date, except for the first payment which shall be paid at the same time the support order is filed, and covers the period of time from that month until the next calendar due date. The friend of the court may deduct the service fee from support money paid after the due date of the service fee. An order that provides for the payment of support that requires collection by the friend of the court under this act or by the SDU shall provide for the payment of the service fee. Upon its own motion, a court may amend such an order or judgment to provide for the payment of the service fee, in the amount provided by this subsection, upon notice to the person ordered to pay the support money. The service fees shall be turned over to the county treasurer and credited to the general fund of the county.

(2) The court may hold in contempt a person who fails or refuses to pay a service fee ordered under subsection (1).

History: Add. 1967, Act 75, Eff. Nov. 2, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 195, Imd. Eff. Nov. 1, 1983;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999.

THE FAMILY SUPPORT ACT (EXCERPT)

Act 138 of 1966

552.458 Fees and costs.

Sec. 8. No filing, order or stenographer's fees shall be required for an action or proceedings under this act, but the court may assess any such costs, service costs and attorney fees against the defendant in the order of support or any modification thereof.

History: Add. 1970, Act 153, Imd. Eff. Aug. 1, 1970.

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.458a Transition to centralized receipt and disbursement of support and fees.

Sec. 8a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 7 of the office of child support act, 1971 PA 174, MCL 400.237, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 158, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 574, Eff. Dec. 1, 2002.

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.459 Short title; “state disbursement unit” or “SDU” defined.

Sec. 9. (1) This act shall be known and may be cited as “the family support act”.

(2) As used in this act, “state disbursement unit” or “SDU” means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: Add. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999.

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.501 Short title; purposes and construction of act.

Sec. 1. (1) This act shall be known and may be cited as the “friend of the court act”.

(2) The purposes of this act are to enumerate and describe the powers and duties of the friend of the court and the office of the friend of the court; to ensure that procedures adopted by the friend of the court will protect the best interests of children in domestic relations matters; to encourage and assist parties voluntarily to resolve contested domestic relations matters by agreement; to compel the enforcement of parenting time and custody orders; and to compel the enforcement of support orders, ensuring that persons legally responsible for the care and support of children assume their legal obligations and reducing the financial cost to this state of providing public assistance funds for the care of children. This act shall be construed to promote the enumerated purposes and to facilitate the resolution of domestic relations matters.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.502 Definitions; B to I.

Sec. 2. As used in this act:

- (a) “Bureau” means the state friend of the court bureau created in section 19.
- (b) “Centralizing enforcement” means the process authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240.
- (c) “Chief judge” means the following:
 - (i) The circuit judge in a judicial circuit having only 1 circuit judge.
 - (ii) Except in the county of Wayne, the chief judge of the circuit court in a judicial circuit having 2 or more circuit judges.
 - (iii) In the county of Wayne, the executive chief judge of the circuit court in the third judicial circuit.
- (d) “Citizen advisory committee” means a citizen friend of the court advisory committee established as provided in section 4.
- (e) “Consumer reporting agency” means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. As used in this subdivision, “consumer report” means that term as defined in section 603 of the fair credit reporting act, title VI of the consumer credit protection act, Public Law 90-321, 15 USC 1681a.
- (f) “County board” means the county board of commissioners in the county served by the office. If a judicial circuit includes more than 1 county, action required to be taken by the county board means action by the county boards of commissioners for all counties composing that circuit.

(g) "Court" means the circuit court.

(h) "Current employment" means employment within 1 year before a friend of the court request for information.

(i) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(j) "De novo hearing" means a new judicial consideration of a matter previously heard by a referee.

(k) "Department" means the family independence agency.

(l) "Domestic relations matter" means a circuit court proceeding as to child custody or parenting time, or child or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

(i) 1846 RS 84, MCL 552.1 to 552.45.

(ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(iii) Child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(iv) 1968 PA 293, MCL 722.1 to 722.6.

(v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vi) Revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(vii) Uniform interstate family support act, 1996 PA 310, MCL 552.1101 to 552.1901.

(m) "Domestic relations mediation" means a process by which the parties are assisted by a domestic relations mediator in voluntarily formulating an agreement to resolve a dispute concerning child custody or parenting time that arises from a domestic relations matter.

(n) "Friend of the court" means the person serving under section 21(1) or appointed under section 23 as the head of the office of the friend of the court.

(o) "Friend of the court case" means a domestic relations matter that an office establishes as a friend of the court case as required under section 5a. The term "friend of the court case", when used in a provision of this act, is not effective until on and after December 1, 2002.

(p) "Income" means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.502a Definitions; M to T.

Sec. 2a. As used in this act:

(a) "Medical assistance" means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396r-6 and 1396r-8 to 1396v.

(b) "Office" and "office of the friend of the court" mean an agency created in section 3.

(c) "Payer" means a person ordered by the circuit court to pay support.

(d) "Public assistance" means cash assistance provided under the social welfare act, 1939 PA 280, 400.1 to 400.119b.

(e) "Recipient of support" means the following:

(i) The spouse, if the support order orders spousal support.

(ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.

(iii) The family independence agency, if support has been assigned to that department.

(f) "State advisory committee" means the committee established by the bureau under section 19.

(g) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(h) "Support" means all of the following:

(i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses incurred by or for the mother in connection with her confinement, for other expenses in connection with the pregnancy of the mother, or for the repayment of

genetic testing expenses.

(iii) A surcharge under section 3a of the support and parenting time enforcement act, MCL 552.603a.

(i) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.

(j) "Support order" means an order entered by the circuit court for the payment of support in a sum certain, whether in the form of a lump sum or a periodic payment.

(k) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 655, 656 to 657, 658a to 660, and 663 to 669b.

(l) "Title IV-D agency" means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.503 Office of the friend of the court; creation in judicial circuit; exception; separate office in county; vacancy; merger; head of office as friend of the court; friend of the court as employee of circuit court; performance of duties; office procedures; availability of services to public.

Sec. 3. (1) There is created in each judicial circuit of this state an office of the friend of the court, except as provided in subsection (2).

(2) If each county in a multicounty judicial circuit has a separate office of the friend of the court on the day before the effective date of this act, each county in that circuit shall have a separate office of the friend of the court on the effective date of this act. If a vacancy occurs in the position of the friend of the court in such a county, the chief judge may merge the office of the friend of the court in that county with the office of the friend of the court in another county of the judicial circuit.

(3) The head of each office is the friend of the court serving under section 21(1) or appointed according to section 23.

(4) The friend of the court is an employee of the circuit court in the judicial circuit served by the friend of the court.

(5) The duties of the office shall be performed under the direction and supervision of the chief judge.

(6) Except as otherwise required by federal law on cases that are eligible for funding under title IV-D, the friend of the court is only required to perform activities under this act or the support and parenting time enforcement act when a party in that case has requested title IV-D services.

(7) Each friend of the court shall take all necessary steps to adopt office procedures to implement this act, the Michigan court rules, and the recommendations of the bureau. Office of the friend of the court duties shall be performed in accordance with the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(8) An office of the friend of the court shall be open to the public making available all of the office's services not less than 20 hours each month during nontraditional office hours. This subsection does not require an office of the friend of the court to be open for a greater number of hours than it was required to be open before January 1, 1997.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.504 Citizen friend of the court advisory committee; establishment; composition; appointment; vacancy; terms; election of chairperson and vice-chairperson; court administrative office guidelines; term limitation.

Sec. 4. (1) Each county may establish a citizen friend of the court advisory committee composed of the following members, each of whom is a resident of the county:

(a) A noncustodial parent.

(b) A custodial parent.

(c) An attorney who engages primarily in family law practice.

(d) The county sheriff or the sheriff's designee.

(e) The prosecuting attorney or the prosecuting attorney's designee.

- (f) The director of the family independence agency or the director's designee.
- (g) A mental health professional who provides family counseling.
- (h) Two members of the general public who are not serving on the committee in a category listed in subdivisions (a) to (g).

(2) Except for a member serving under subsection (1)(d), (e), or (f), and except as otherwise provided in this subsection, the county board shall appoint the citizen advisory committee members. In a county organized under 1966 PA 293, MCL 45.501 to 45.521, the county executive shall appoint the citizen advisory committee members with the advice and consent of the county board, and shall exercise the other powers and duties prescribed for the county board by this section in regard to the citizen advisory committee.

(3) A vacancy on the citizen advisory committee shall be filled for the remainder of the term in the same manner as the position was originally filled. The county board shall attempt to compose the citizen advisory committee so that its membership reflects the ethnic, racial, and gender distribution of the community that it serves.

(4) Committee members shall serve renewable terms of 3 years for each time appointed. Members appointed under subsection (1)(a), (b), (c), (g), and (h) shall serve initial terms of 3 years for 2 members, 2 years for 2 members, and 1 year for 2 members to allow 1/3 of those members to be appointed to the committee each year.

(5) A citizen advisory committee shall elect 1 of its members as chairperson and 1 as vice-chairperson.

(6) A citizen advisory committee shall honor any guidelines established by the state court administrative office for a friend of the court office pertaining to citizen advisory committees.

(7) Except for a member serving under subsection (1)(d), (e), or (f), a citizen advisory committee member shall not serve more than 2 consecutive terms. After completion of 2 consecutive terms, a former member shall not be reappointed to serve during the 2 years immediately following the end of his or her previous term.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.504a Citizen advisory committee; scope; duties; subcommittees; meetings open to the public; exception.

Sec. 4a. (1) A citizen advisory committee is advisory only. Once established, the citizen advisory committee shall do all of the following:

(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.

(b) Review and investigate grievances concerning the friend of the court as provided in section 26.

(c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.

(d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office, governor's office, and standing senate and house committees and appropriations subcommittees that are responsible for legislation concerning the judicial branch.

(2) A citizen advisory committee chairperson may appoint subcommittees comprised of 3 committee members to review, investigate, and hold hearings on grievances submitted to the citizen advisory committee as provided in section 26. The chairperson may serve on a grievance subcommittee and shall attempt to appoint members so that each member has an equal opportunity for subcommittee participation.

(3) Except as otherwise provided in this subsection, a citizen advisory committee meeting is open to the public. A member of the public attending a meeting shall be given a reasonable opportunity to address the committee on an issue under consideration by the committee. If a vote is to be taken by the citizen advisory committee, the opportunity to address the committee shall be given before the vote is taken. A citizen advisory committee meeting, including a meeting of a subcommittee appointed under subsection (2), is not open to the public while the committee or subcommittee is reviewing, investigating, or holding a hearing on a grievance as provided in section 26.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.504b Information and records to be provided to citizen advisory committee.

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested by the committee and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

History: Add. 1998, Act 551, Eff. Mar. 1, 1999.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) Act 294 of 1982

552.504c Information and records as confidential; disclosure; penalty; grounds for dismissal.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

History: Add. 1998, Act 551, Eff. Mar. 1, 1999.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) Act 294 of 1982

552.505 Duties of friend of the court; failure of party to attend scheduled meeting.

Sec. 5. (1) Each office of the friend of the court has the following duties:

(a) To inform each party to the domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may choose not to have the office of the friend of the court administer and enforce obligations that may be imposed in the domestic relations matter.

(b) To inform each party to the domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may direct the office of the friend of the court to close the friend of the court case that was opened in their domestic relations matter.

(c) To provide an informational pamphlet, in accordance with the model pamphlet developed by the bureau, to each party to a domestic relations matter. The informational pamphlet shall explain the procedures of the court and the office; the duties of the office; the rights and responsibilities of the parties, including

notification that each party to the dispute has the right to meet with the individual investigating the dispute before that individual makes a recommendation regarding the dispute; the availability of and procedures used in domestic relations mediation; the availability of human services in the community; the availability of joint custody as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a; and how to file a grievance regarding the office. The informational pamphlet shall be provided as soon as possible after the filing of a complaint or other initiating pleading. Upon request, a party shall receive an oral explanation of the informational pamphlet from the office.

(d) To make available to an individual form motions, responses, and orders for requesting the court to modify the individual's child support, custody, or parenting time order, or for responding to a motion for such a modification, without assistance of legal counsel. The office shall make available instructions on preparing and filing each of those forms and instructions on service of process and on scheduling a modification hearing.

(e) To inform the parties of the availability of domestic relations mediation if there is a dispute as to child custody or parenting time.

(f) To inform the parents of the availability of joint custody as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a, if there is a dispute between the parents as to child custody.

(g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court regarding child custody or parenting time, or both, if there is a dispute as to child custody or parenting time, or both, and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. A written report and recommendation regarding child custody or parenting time, or both, shall be based upon the factors enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(h) To investigate all relevant facts and to make a written report and recommendation to the parties and their attorneys and to the court regarding child support, if ordered to do so by the court. The written report and recommendation shall be placed in the court file. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. The child support formula developed by the bureau under section 19 shall be used as a guideline in recommending child support. The written report shall include the support amount determined by application of the child support formula and all factual assumptions upon which that support amount is based. If the office of the friend of the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report shall also include all of the following:

- (i) An alternative support recommendation.
- (ii) All factual assumptions upon which the alternative support recommendation is based, if applicable.
- (iii) How the alternative support recommendation deviates from the child support formula.
- (iv) The reasons for the alternative support recommendation.

(2) If a party who requests a meeting during an investigation fails to attend the scheduled meeting without good cause, the investigation may be completed without a meeting with that party.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1989, Act 273, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.507 Referee; designation by chief judge; powers; transcript of hearing; cost; de novo court hearing; request; interim order; review.

Sec. 7. (1) The chief judge may designate a referee as provided by the Michigan court rules.

(2) A referee may do all of the following:

(a) Hear all motions in a domestic relations matter, except motions pertaining to an increase or decrease in spouse support, referred to the referee by the court.

(b) Administer oaths, compel the attendance of witnesses and the production of documents, and examine witnesses and parties.

(c) Make a written, signed report to the court containing a summary of testimony given, a statement of findings, and a recommended order; or make a statement of findings on the record and submit a recommended order.

(d) Hold hearings as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. The referee shall make a record of each hearing held.

(e) Accept a voluntary acknowledgment of support liability, and review and make a recommendation to the court concerning a stipulated agreement to pay support.

(f) Recommend a default order establishing, modifying, or enforcing a support obligation in a domestic relations matter.

(3) If ordered by the court, or if stipulated by the parties, a referee shall make a transcript, verified by oath, of each hearing held. The cost of preparing a transcript shall be apportioned equally between the parties, unless otherwise ordered by the court.

(4) The court shall hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the written request of either party or upon motion of the court. The request of a party shall be made within 21 days after the recommendation of the referee is made available to that party.

(5) A hearing is de novo despite the court's imposition of reasonable restrictions and conditions to conserve the resources of the parties and the court if the following conditions are met:

(a) The parties have been given a full opportunity to present and preserve important evidence at the referee hearing.

(b) For findings of fact to which the parties have objected, the parties are afforded a new opportunity to offer the same evidence to the court as was presented to the referee and to supplement that evidence with evidence that could not have been presented to the referee.

(6) Subject to subsection (5), de novo hearings include, but are not limited to, the following:

(a) A new decision based entirely on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee.

(b) A new decision based only on evidence presented at the time of the de novo hearing.

(c) A new decision based in part on the record of a referee hearing supplemented by evidence that was not introduced at a previous hearing.

(7) Pending a de novo hearing, the referee's recommended order may be presented to the court for entry as an interim order as provided by the Michigan court rules. The interim order shall be served on the parties within 3 days and shall be subject to review as provided under this subsection.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.508 Expediting relief; methods.

Sec. 8. The circuit court shall utilize referees and take other appropriate action to expedite obtaining relief in the form of child or spousal support in domestic relations matters, including the entry and enforcement of child support orders and the enforcement of spousal support orders, as necessary to obtain dispositions of petitions for relief within the following time frames:

(a) Ninety percent of dispositions within 3 months after filing a petition.

(b) Ninety-eight percent of dispositions within 6 months after filing a petition.

(c) One hundred percent of dispositions within 12 months after filing a petition.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.509 Duties of office regarding support payments; transition to state disbursement unit; providing statement of account to parties; initiating and carrying out proceedings to enforce order entered in domestic relations matter; enforcement orders entered in other state.

Sec. 9. (1) Except as otherwise provided in subsections (2) and (3), after a support order is entered in a friend of the court case, the office shall receive each payment and service fee under the support order; shall, not less than once each month, record each support payment due, paid, and past due; and shall disburse each support payment to the recipient of support within 14 days after the office receives each payment or within the federally mandated time frame, whichever is shorter.

(2) An office shall receive support order and service fee payments, and shall disburse support, as required by subsection (1) until the state disbursement unit implements support and fee receipt and disbursement for

the cases administered by that office. At the family independence agency's direction and in cooperation with the SDU, an office shall continue support and fee receipt and support disbursement to facilitate the transition of that responsibility to the SDU as directed in, and in accordance with the transition schedule developed as required by, the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(3) After SDU support and fee receipt and disbursement is implemented in a circuit court circuit, the office for that court may accept a support payment made in cash or by cashier's check or money order. If the office accepts such a payment, the office shall transmit the payment to the SDU and shall inform the payer of the SDU's location and the requirement to make payments through the SDU.

(4) Promptly after November 3, 1999, each office shall establish and maintain the support order and account records necessary to enforce support orders and necessary to record obligations, support and fee receipt and disbursement, and related payments. Each office shall provide the SDU with access to those records and shall assist the SDU to resolve support and fee receipt and disbursement problems related to inadequate identifying information.

(5) The office shall provide annually to each party, without charge, 1 statement of account upon request. Additional statements of account shall be provided at a reasonable fee sufficient to pay for the cost of reproduction. Statements provided under this subsection are in addition to statements provided for administrative and judicial hearings.

(6) The office shall initiate and carry out proceedings to enforce an order in a friend of the court case regarding custody, parenting time, health care coverage, or support in accordance with this act, the support and parenting time enforcement act, and supreme court rules.

(7) Upon request of a child support agency of another state, the office shall initiate and carry out certain proceedings to enforce support orders entered in the other state without the need to register the order as a friend of the court case in this state. The order shall be enforced using automated administrative enforcement actions authorized under the support and parenting time enforcement act.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) Act 294 of 1982

552.509a Transition to centralized receipt and disbursement of support and fees.

Sec. 9a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 150, Imd. Eff. Nov. 3, 1999.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) Act 294 of 1982

552.511 Initiating enforcement of support order and custody or parenting time order; procedure; arrearage; amnesty.

Sec. 11. (1) Except as provided in this section, each office shall initiate 1 or more support enforcement measures under the support and parenting time enforcement act when 1 of the following applies:

(a) Except as otherwise provided in this subdivision, the arrearage under the support order is equal to or greater than the monthly amount of support payable under the order. If the support order was entered ex parte, an office shall not initiate enforcement under this subdivision until the office receives a copy of proof of service for the order and at least 1 month has elapsed since the date of service. An office is not required to initiate enforcement under this subdivision if 1 or more of the following circumstances exist:

(i) Despite the existence of the arrearage, an order of income withholding is effective and payment is being made under the order of income withholding in the amount required under the order.

(ii) Despite the existence of the arrearage and even though an order of income withholding is not effective, payment is being made in the amount required under the order.

(iii) One or more support enforcement measures have been initiated and an objection to 1 or more of those measures has not been resolved.

(b) A parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court.

The office shall initiate enforcement under this subdivision at the following times:

- (i) Within 60 days after the entry of a support order containing health care coverage provisions.
 - (ii) When a review is conducted as provided in section 17.
 - (iii) Concurrent with enforcement initiated by the office under subdivision (a).
 - (iv) Upon receipt of a written complaint from a party.
 - (v) Upon receipt of a written complaint from the department if the child for whose benefit health care coverage is ordered is a recipient of public assistance or medical assistance.
- (c) A person legally responsible for the actual care of a child incurs an uninsured health care expense and submits to the office a written complaint that meets the requirements of section 11a.
- (2) An arrearage amount that arises at the moment a court issues an order imposing or modifying support, because the order relates back to a petition or motion filing date, shall not be considered as an arrearage for the purpose of initiating support enforcement measures, centralizing enforcement, or other action required or authorized in response to a support arrearage under this act or the support and parenting time enforcement act, unless the payer fails to become current with the court ordered support payments within 2 months after entry of the order imposing or modifying support.
- (3) An office shall not initiate a support enforcement measure to collect a payer's child support arrearage while the payer has amnesty for that arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 288, Eff. Jan. 1, 1993;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 266, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 567, Eff. June 1, 2005.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.512 Providing information to consumer reporting agency.

Sec. 12. (1) Except as otherwise provided in this section, in a format acceptable to the friend of the court, the family independence agency, and the consumer reporting agency, the office of the friend of the court shall report to a consumer reporting agency the arrearage amount for each payer with an arrearage of support of 2 or more months. On a monthly basis and in a format acceptable to the friend of the court, the family independence agency, and the consumer reporting agency, the office of the friend of the court may make support information available to the consumer reporting agency concerning any other payer who requests that report. The office shall not make information available under this subsection to a consumer reporting agency if the office determines that the agency does not have sufficient capability to systematically and timely make accurate use of the information and if the agency does not furnish evidence satisfactory to the office that the agency is a consumer reporting agency.

(2) Before making the initial support information available under subsection (1), the office of the friend of the court shall provide the payer with notice of all of the following:

- (a) The proposed action.
- (b) The amount of the arrearage, if any.
- (c) The payer's right to a review, the date by which a request for a review must be made, and the grounds on which the payer may object to the proposed action.
- (d) That the payer may avoid the reporting of the arrearage stated in the notice by paying the entire arrearage within 21 days after the date notice was sent.

(3) The office of the friend of the court shall provide to a payer a review to enable a payer to object to the reporting of the support information, including an arrearage, on the grounds of a mistake of fact concerning the amount of the arrearage or the identity of the payer. If a payer requests a review within the time specified in the notice given under subsection (2), the office shall not report the support information as required or permitted by this section until after 1 of the following occurs:

(a) The payer fails to produce evidence that the support information is incorrect and the time scheduled for the review has passed.

(b) After conducting the review, the office determines the correct support information.

(4) The office of the friend of the court shall not make support information, including an arrearage, available under subsection (1) if 21 days have not expired after the date the notice was sent under subsection (2). The office of the friend of the court shall not report an arrearage amount as required under subsection (1) if the payer pays the entire arrearage within 21 days after the date the notice was sent under subsection (2).

(5) Within 14 days after the office of the friend of the court knows that incorrect information has been made available to a consumer reporting agency, the office shall contact the consumer reporting agency and

correct the information.

(6) The state court administrative office is responsible for determining what support information should be provided to a consumer reporting agency and establishing the policies and procedures for making support information available to a consumer reporting agency under this section.

(7) Upon request of a consumer reporting agency or the payer, the office of the friend of the court shall make available to the consumer reporting agency current support information of an individual payer.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 250, Imd. Eff. Nov. 19, 1992;—Am. 1996, Act 276, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.513 Domestic relations mediation; services; agreement; consent order; confidentiality of communications; minimum qualifications of mediator.

Sec. 13. (1) The office shall provide, either directly or by contract, domestic relations mediation to assist the parties in settling voluntarily a dispute concerning child custody or parenting time that arises in a friend of the court case. Parties shall not be required to meet with a domestic relations mediator. The service may be provided directly by the office only if such a service is in place on July 1, 1983, if the service is not available from a private source, or if the court can demonstrate that providing the service within the friend of the court office is cost beneficial. Any expansion of existing services provided by the court on July 1, 1983 shall be provided by an individual meeting the domestic relations mediator minimum qualifications listed under subsection (4).

(2) If an agreement is reached by the parties through domestic relations mediation, a consent order incorporating the agreement shall be prepared by an employee of the office who is a member of the state bar of Michigan; under section 22, by a member of the state bar of Michigan; or by the attorney for 1 of the parties. The consent order shall be provided to, and shall be entered by, the court.

(3) Except as provided in subsection (2), a communication between a domestic relations mediator and a party to a domestic relations mediation is confidential. The secrecy of the communication shall be preserved inviolate as a privileged communication. The communication shall not be admitted in evidence in any proceedings. The same protection shall be given to communications between the parties in the presence of the mediator.

(4) A domestic relations mediator who performs mediation under this act shall have all of the following minimum qualifications:

(a) One or more of the following:

(i) A license or a limited license to engage in the practice of psychology under parts 161 and 182 of the public health code, 1978 PA 368, MCL 333.16101 to 333.16349 and 333.18201 to 333.18237, or a master's degree in counseling, social work, or marriage and family counseling; and successful completion of the training program provided by the bureau under section 19(3)(b).

(ii) Not less than 5 years of experience in family counseling, preferably in a setting related to the areas of responsibility of the friend of the court and preferably to reflect the ethnic population to be served, and successful completion of the training program provided by the bureau under section 19(3)(b).

(iii) A graduate degree in a behavioral science and successful completion of a domestic relations mediation training program certified by the bureau with not less than 40 hours of classroom instruction and 250 hours of practical experience working under the direction of a person who has successfully completed a program certified by the bureau.

(iv) Membership in the state bar of Michigan and successful completion of the training program provided by the bureau under section 19(3)(b).

(b) Knowledge of the court system of this state and the procedures used in domestic relations matters.

(c) Knowledge of other resources in the community to which the parties to a domestic relations matter can be referred for assistance.

(d) Knowledge of child development, clinical issues relating to children, the effects of divorce on children, and child custody research.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.515 Performance by mediator of certain functions involving party prohibited.

Sec. 15. An employee of the office who performs domestic relations mediation in a friend of the court case involving a particular party shall not perform referee functions, investigation and recommendation functions, or enforcement functions as to any domestic relations matter involving that party.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.517 Review of child support order after final judgment; notices and conduct of review; modification order; certain determinations requiring report; contents of report; petition for modification; scheduling of hearing; objection to determination of no change in order; petition to require dependent health care coverage; costs.

Sec. 17. (1) After a final judgment containing a child support order has been entered in a friend of the court case, the office shall periodically review the order, as follows:

(a) If a child is being supported in whole or in part by public assistance, not less than once each 36 months unless both of the following apply:

(i) The office receives notice from the department that good cause exists not to proceed with support action.

(ii) Neither party has requested a review.

(b) At the initiative of the office, if there are reasonable grounds to believe that the amount of child support awarded in the judgment should be modified or that dependent health care coverage is available and the support order should be modified to include an order for health care coverage. Reasonable grounds to review an order under this subdivision include temporary or permanent changes in the physical custody of a child that the court has not ordered, increased or decreased need of the child, probable access by an employed parent to dependent health care coverage, or changed financial conditions of a recipient of support or a payer including, but not limited to, application for or receipt of public assistance, unemployment compensation, or worker's compensation; or incarceration or release from incarceration after a criminal conviction and sentencing to a term of more than 1 year. Within 14 days after receiving information that a recipient of support or payer is incarcerated or released from incarceration as described in this subsection, the office shall initiate a review of the order. A review initiated by the office under this subdivision does not preclude the recipient of support or payer from requesting a review under subdivision (d).

(c) At the direction of the court.

(d) Upon receipt of a written request from either party. Within 14 days after receipt of the review request, the office shall determine whether the order is due for review. The office is not required to investigate more than 1 request received from a party each 36 months.

(e) If a child is receiving medical assistance, not less than once each 36 months unless either of the following applies:

(i) The order requires provision of health care coverage for the child and neither party has requested a review.

(ii) The office receives notice from the family independence agency that good cause exists not to proceed with support action and neither party has requested a review.

(f) If requested by the initiating state for a recipient of services in that state under title IV-D, not less than once each 36 months. Within 14 days after receipt of a review request, the office shall determine whether an order is due for review.

(2) Within 180 days after determining that a review is required under subsection (1), the office shall send notices as provided in section 17b, conduct a review, and obtain a modification of the order if appropriate.

(3) The office shall use the child support formula developed by the bureau under section 19 in calculating the child support award.

(4) The office shall petition the court if modification is determined to be necessary unless either of the following applies:

(a) The difference between the existing and projected child support award is within the minimum threshold for modification of a child support amount as established by the formula.

(b) The court previously determined that application of the formula was unjust or inappropriate and the office determines that the facts of the case and the reasons and amount of the prior deviation remain unchanged.

(5) The notice under section 17b(3) constitutes a petition for modification of the support order and shall be filed with the court.

(6) If the office determines there should be no change in the order and a party objects to the determination in writing to the office within 21 days after the date of the notice provided for in section 17b(3), the office shall schedule a hearing before the court.

(7) If a support order lacks provisions for health care coverage, the office shall petition the court for a modification to require that 1 or both parents obtain or maintain health care coverage for the benefit of each child who is subject to the support order if either of the following is true:

(a) Either parent has health care coverage available, as a benefit of employment, for the benefit of the child at a reasonable cost.

(b) Either parent is self-employed, maintains health care coverage for himself or herself, and can obtain health care coverage for the benefit of the child at a reasonable cost.

(8) The office shall determine the costs to each parent for dependent health care coverage and child care costs and shall disclose those costs in the recommendation under section 17b(3).

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.517a Repealed. 2002, Act 571, Imd. Eff. Oct. 3, 2002.

Compiler's note: The repealed section pertained to making form motions, responses, and orders available to individuals.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.517b Review of order; notice of right to request; notice of review; calculation of support amount; objection; joint meeting expediting resolution of support issues; recommendation; modification; frequency of review.

Sec. 17b. (1) Child support orders entered after the effective date of the 2004 amendatory act that added subsection (8) shall be modified according to this section. For each support order entered before the effective date of the 2004 amendatory act that added subsection (8), the friend of the court office shall provide notice to the parties of their right to a review under this section as required by federal law. Notices under this subsection may be placed in court orders as allowed by federal law.

(2) The friend of the court office shall initiate proceedings to review support by sending a notice to the parties. The notice shall request information sufficient to allow the friend of the court to review support, state the date the information is due, and advise the parties concerning how the review will be conducted.

(3) After the information in subsection (2) is due, but not sooner than 21 days or later than 120 days after the date the notice is sent, the friend of the court office shall calculate the support amount in accordance with the child support formula and send a notice to each party and his or her attorney, which shall include all of the following:

(a) The amount calculated for support.

(b) The proposed effective date of the support amount.

(c) Substantially the following statement: "Either party may object to the recommended support amount. If no objection is filed within 21 days of the date this notice was mailed, an order will be submitted to the court incorporating the new support amount." The notice also shall inform the parties of how and where to file an objection.

(4) Twenty-one or more days from the date the notice required by subsection (3) is sent, the friend of the court office shall determine if an objection has been filed. If an objection has been filed, the friend of the court shall set the matter for a hearing before a judge or referee or, if the office receives additional information with the objection, it may recalculate the support amount and send out a revised notice in accordance with subsection (3). If no objection is filed, the friend of the court office shall prepare an order which the court shall enter if it approves of the order.

(5) The friend of the court may schedule a joint meeting between the parties to attempt to expedite resolution of support issues in accordance with the guidelines set forth in section 19(3)(m). The joint meeting and proceedings following the joint meeting are subject to the requirements of section 42a of the support and parenting time enforcement act, MCL 552.642a.

(6) The following provisions apply to support review proceedings under this section:

(a) A recommendation under subsection (3) shall state the calculations upon which the support amount is based. If the friend of the court office recommends a support amount based on imputed income, the recommendation shall also state the amount that would have been recommended based on the actual income of the parties if the actual income of the parties is known. If income is imputed, the recommendation shall recite all factual assumptions upon which the imputed income is based.

(b) The friend of the court office may impute income to a party who fails or refuses to provide information requested under subsection (2).

(c) At a hearing based on an objection to a friend of the court office recommendation, the trier of fact may consider the friend of the court office's recommendation as evidence to prove a fact relevant to the support calculation when no other evidence is presented concerning that fact, if the parties agree or no objection is made to its use for that purpose.

(7) The court shall not require proof of a substantial change in circumstances to modify a child support order when support is adjusted under section 17(1).

(8) A party may also file a motion to modify support. Upon motion of a party, the court may only modify a child support order upon finding a substantial change in circumstances, including, but not limited to, health care coverage becoming newly available to a party and a change in the support level under section 17(4)(a).

(9) Notwithstanding any other provisions of this section, the friend of the court office shall conduct a more frequent review of the support order upon presentation by a party of evidence of a substantial change in circumstances as set forth in the child support formula guidelines.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.517c Review of support order in another state; procedures.

Sec. 17c. (1) If Michigan is the initiating state in an interstate friend of the court case involving child support, the office shall determine whether a review of a support order in another state is appropriate in accordance with section 17 and is appropriate based upon the residence and jurisdiction of the parties.

(2) If the office determines that a review of a support order in another state is appropriate, the office shall obtain income, expense, and other information needed to conduct the review from the requesting party or recipient of public assistance or medical assistance.

(3) The office shall initiate a request for a review within 20 calendar days after receipt of the information requested under subsection (2).

(4) The office shall forward to a party who resides in Michigan a copy of each notice issued by the responding state in conjunction with the review and modification of a support order, which notice is sent to the office for distribution.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.517d Motion for modification of parenting time order.

Sec. 17d. (1) After a final judgment containing a parenting time order is entered in a domestic relations matter for which there is an open friend of the court case, if there is an unresolved dispute as to parenting time, the office may file a motion with the court for a modification of the parenting time order. The office shall send each party to the parenting time order notice of the filing of the motion. With a motion filed and each notice sent under this subsection, the office shall include the following:

(a) Subject to subsection (2), a written report and recommendation.

(b) Either as a separate document or in the motion document under a separate heading, a notice, in not less than 12-point, boldfaced type, that states substantially the following:

“A party may object to the office of the friend of the court's recommendation for modification of the parenting time order. If a party does not object to the recommendation within 21 days after this notice was sent to the party, the office of the friend of the court may submit to the court a parenting time order that incorporates the recommendation.”.

(2) The office shall prepare a written report and recommendation required for subsection (1) after making an evaluation that is commensurate with the scope of the unresolved dispute as to parenting time.

(3) If, within 21 days after the notice under subsection (1) is sent to each party, no party objects to the recommendation for modification of the parenting time order, the office may submit an order, incorporating the recommendation, to the court for the court's adoption. If a party objects within the 21 days, the motion for modification of the parenting time order shall be noticed for a hearing before a judge or referee.

(4) At a hearing on a motion filed under this section, the judge or referee may admit a statement of fact in the office's report or recommendation as evidence to prove a fact relevant to the proceeding, but only if all parties stipulate to or no party objects to the admission of the statement of fact and no other evidence is presented concerning the fact to be proved.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 569, Eff. Dec. 1, 2002.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.517e Arrearage payment schedules; administrative adjustment.

Sec. 17e. The office shall utilize guidelines provided in the child support formula developed by the state friend of the court bureau under section 19 to administratively adjust arrearage payment schedules. In making an administrative adjustment as authorized by this subsection, the office shall follow procedures to afford the payer due process including at least notice, an opportunity for an administrative hearing, and an opportunity for an appeal on the record to an independent administrative or judicial tribunal.

History: Add. 1998, Act 63, Eff. Aug. 10, 1998.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.518 Information from employer or former employer relative to parent.

Sec. 18. (1) Subject to subsections (3) and (4), upon the request of the office of the friend of the court, any employer or former employer of a parent as defined in section 1 of the office of child support act, 1971 PA 174, MCL 400.231, who is or was employed by the employer as an employee or independent contractor shall provide all of the following information relative to the parent:

(a) Full name and address.

(b) Social security number. The requirement of this subdivision to provide a social security number with the information does not apply if the parent is exempt under federal law from obtaining a social security number or is exempt under federal or state law from disclosure of his or her social security number under these circumstances. The friend of the court shall inform the parent of this possible exemption.

(c) Date of birth.

(d) Amount of wages earned by or other income due the custodial parent or absent parent. Both net and gross income shall be reported, regardless of method of payment.

(e) The following information concerning the person's current and former employment status: whether or not the custodial parent or absent parent is currently employed, laid off, on sick, disability, or other leave of absence, or retired, and amount of income due from an employment related benefit plan, if any.

(f) Dependent health care coverage available to the custodial parent or absent parent as a benefit of employment.

(2) The friend of the court or his or her designee may issue an administrative subpoena to require any public or private entity doing business in the state that employs or has employed a parent to furnish any current employment information in the possession of the entity that pertains to the parent and that is needed to establish, modify, or enforce a support order. The entity's officers or employees shall furnish the information within 15 days after the subpoena is received by the entity. This subsection does not abrogate a confidentiality privilege established by law.

(3) A request or subpoena for information under this section shall certify that the information obtained will be treated as confidential and shall not be used or released except for the purposes of administering, enforcing, and complying with state and federal laws governing child support.

(4) A former employer is not required to provide information concerning a person who was last employed by the former employer more than 3 years before the date of the request or subpoena for information under this section.

(5) This section does not require the creation or maintenance of records not otherwise required to be created or maintained, or require an employer or former employer to discover information not contained in records of, or otherwise known to, the employer or former employer.

(6) A copy of information provided to the office under this section shall be made available to the parent, upon his or her request.

(7) In the case of disobedience of a request or subpoena for information under this section, the friend of the court or his or her designee may petition the circuit court in the county in which the inquiry is being made to require the production of books, papers, and documents. In the case of refusal to obey a subpoena or request for information under this section, a circuit court may issue an order requiring the person or other entity to appear and to produce books, records, and papers if so ordered. Failure to obey the order of the court may be punished by the court as a contempt.

(8) An employer, former employer, or other entity is not liable under federal or state law to a person or governmental entity for a disclosure of information to the office under this section or for any other action taken by the employer, former employer, or other entity in good faith to comply with the requirements of this section.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1998, Act 63, Eff. Aug. 10, 1998.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.519 State friend of the court bureau; creation; supervision and direction; main office; duties; state advisory committee; report or recommendation; reimbursement for expenses; meetings; assistance.

Sec. 19. (1) The state friend of the court bureau is created within the state court administrative office, under the supervision and direction of the supreme court.

(2) The bureau shall have its main office in Lansing.

(3) The bureau shall do all of the following:

(a) Develop and recommend guidelines for conduct, operations, and procedures of the office and its employees, including, but not limited to, the following:

(i) Case load and staffing standards for employees who perform domestic relations mediation functions, investigation and recommendation functions, referee functions, enforcement functions, and clerical functions.

(ii) Orientation programs for clients of the office.

(iii) Public educational programs regarding domestic relations law and community resources, including financial and other counseling, and employment opportunities.

(iv) Procedural changes in response to the type of grievances received by an office.

(v) Model pamphlets and procedural forms, that shall be distributed to each office.

(vi) A formula to be used in establishing and modifying a child support amount and health care obligation. The formula shall be based upon the needs of the child and the actual resources of each parent. The formula shall establish a minimum threshold for modification of a child support amount. The formula shall consider the child care and dependent health care coverage costs of each parent. The formula shall include guidelines for setting and administratively adjusting the amount of periodic payments for overdue support, including guidelines for adjustment of arrearage payment schedules when the current support obligation for a child terminates and the payer owes overdue support.

(b) Provide training programs for the friend of the court, domestic relations mediators, and employees of the office to better enable them to carry out the duties described in this act and supreme court rules. After September 30, 2002, the training programs shall include training in the dynamics of domestic violence and in handling domestic relations matters that have a history of domestic violence.

(c) Gather and monitor relevant statistics.

(d) Annually issue a report containing a detailed summary of the types of grievances received by each office, and whether the grievances are resolved or outstanding. The report shall be transmitted to the legislature and to each office and shall be made available to the public. The annual report required by this subdivision shall include, but is not limited to, all of the following:

(i) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.

(ii) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all citizen advisory committees in the state during the preceding year.

(iii) An identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services.

(e) Develop and recommend guidelines to be used by an office in determining whether or not parenting time has been wrongfully denied by the custodial parent.

(f) Develop standards and procedures for the transfer of part or all of the responsibilities for a case from one office to another in situations considered appropriate by the bureau.

(g) Certify domestic relations mediation training programs as provided in section 13.

(h) Establish a 9-person state advisory committee, serving without compensation except as provided in subsection (4), composed of the following members, giving preference to a member of a citizen advisory committee:

(i) Three public members who have had contact with an office of the friend of the court.

(ii) Three attorneys who are members of the state bar of Michigan and whose practices are primarily domestic relations law. Not more than 1 attorney may be a circuit court judge.

(iii) Three human service professionals who provide family counseling.

(i) Cooperate with the office of child support in developing and implementing a statewide information system as provided in the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(j) Develop and make available guidelines to assist the office of the friend of the court in determining the appropriateness in individual cases of the following:

(i) Imposing a lien or requiring the posting of a bond, security, or other guarantee to secure the payment of support.

(ii) Implementing the offset of a delinquent payer's state income tax refund.

(k) Develop and provide the office of the friend of the court with all of the following:

(i) Form motions, responses, and orders for use by an individual in requesting the court to modify his or her child support, custody, or parenting time order, or in responding to a motion for modification without the assistance of legal counsel.

(ii) Instructions on preparing and filing the forms, instructions on service of process, and instructions on scheduling a support, custody, or parenting time modification hearing.

(iii) Guidelines for imputing income for the calculation of child support.

(l) Develop guidelines for, and encourage the use of, plain language within the office of the friend of the court including, but not limited to, the use of plain language in forms and instructions within the office and in statements of account provided as required in section 9.

(m) In consultation with the domestic violence prevention and treatment board created in section 2 of 1978 PA 389, MCL 400.1502, develop guidelines for the implementation of section 41 of the support and parenting time enforcement act, MCL 552.641, that take into consideration at least all of the following regarding the parties and each child involved in a dispute governed by section 41 of the support and parenting time enforcement act, MCL 552.641:

(i) Domestic violence.

(ii) Safety of the parties and child.

(iii) Uneven bargaining positions of the parties.

(4) The state advisory committee established under subsection (3)(h) shall advise the bureau in the performance of its duties under this section. The bureau shall make a state advisory committee report or recommendation available to the public. State advisory committee members shall be reimbursed for their expenses for mileage, meals, and, if necessary, lodging, under the schedule for reimbursement established annually by the legislature. A state advisory committee meeting is open to the public. A member of the public attending a state advisory committee meeting shall be given a reasonable opportunity to address the committee on any issue under consideration by the committee. If a vote is to be taken by the state advisory committee, the opportunity to address the committee shall be given before the vote is taken.

(5) The bureau may call upon each office of the friend of the court for assistance in performing the duties imposed in this section.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Imd. Eff. Jan. 8, 1986;—Am. 1987, Act 197, Imd. Eff. Dec. 14, 1987;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2001, Act 193, Eff. Oct. 1, 2002;—Am. 2002, Act 569, Eff. Dec. 1, 2002;—Am. 2004, Act 207, Eff. June 30, 2005.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.520 Information requested by family independence agency.

Sec. 20. If the family independence agency requests information from an office of the friend of the court, that office may provide the information requested on a quarterly basis. Not less often than quarterly, the family independence agency shall publish the information received under this section.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.521 Person appointed as friend of the court under former act; continuation; transfer of files, records, funds, and pending cases of office under former act; employees of friend of the court appointed under former act to become employees of corresponding office; employees of state judicial council serving in third judicial circuit to continue in present positions.

Sec. 21. (1) Each person appointed as friend of the court under former Act No. 412 of the Public Acts of 1919 who is serving in that position on the day before the effective date of this act shall continue to serve in that position, as reconstituted by this act.

(2) All files, records, funds, and pending cases of an office of the friend of the court under former Act No. 412 of the Public Acts of 1919 are transferred to the corresponding office as reconstituted by this act.

(3) Except in the county of Wayne, the employees of a friend of the court appointed under former Act No. 412 of the Public Acts of 1919 shall become employees of the corresponding office of the friend of the court as reconstituted by this act, in similar positions, and with salary ranges and benefits not inferior to their status under former Act No. 412 of the Public Acts of 1919. In the county of Wayne the employees of the state judicial council serving in the court in the third judicial circuit and supervised by the friend of the court on the day before the effective date of this act shall continue in their present positions.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: Act 412 of 1919, referred to in this section, was repealed by Act 294 of 1982.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.522 Appointment of attorney to assist friend of the court; compensation; payment.

Sec. 22. If the friend of the court serving a judicial circuit is not an attorney who is a member of the state bar of Michigan and that office does not employ such an attorney, the chief judge may appoint an attorney who is a member of the state bar of Michigan to assist the friend of the court when legal assistance is necessary to carry out the duties imposed in this act. An attorney appointed under this section to assist an office shall be compensated in a reasonable amount, based upon time and expenses, to be determined by the county board or boards of commissioners of the judicial circuit served by that office. If the judicial circuit is one in which the employees serving in the circuit court are employees of the state judicial council, the compensation of an attorney appointed under this section shall be paid by the state and fixed by the state judicial council as provided in section 9104 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.9104 of the Michigan Compiled Laws.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.523 Vacancy; appointment of person to position of friend of the court or interim friend of the court; experience or education.

Sec. 23. (1) If the position of friend of the court becomes vacant for any reason, the chief judge shall appoint a person to the position of friend of the court not later than 6 months after the vacancy occurs. An appointment under this subsection is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have any area in common with the geographic area served by that friend of the court.

(2) If necessary, the chief judge may appoint an interim friend of the court to serve for not longer than 6 months until a friend of the court is appointed and approved under subsection (1).

(3) A friend of the court appointed under this section is an at-will employee and shall demonstrate experience or education in 1 or more of the following areas:

- (a) A human service or behavioral science field.
- (b) Family law.
- (c) Administration.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.524 Annual review of performance record of friend of the court; public notice and comments; written evaluation; written response; copies.

Sec. 24. (1) The chief judge annually shall review the performance record of each friend of the court serving that circuit to determine whether the friend of the court is guilty of misconduct, neglect of statutory duty, or failure to carry out written orders of the court relative to a statutory duty; whether the purposes of this act are being met; and whether the duties of the friend of the court are being carried out in a manner that reflects the needs of the community being served. Public notice of the annual review shall be given.

(2) Members of the public may submit written comments to the chief judge or county board relating to the criteria in subsection (1). The citizen advisory committee may advise the court and the county board regarding the criteria in subsection (1). The court shall prepare a written evaluation, which shall include a summary of any public comments received and of any citizen advisory committee report or recommendation. The court and county board may also, in a written response, address the recommendation of the citizen's advisory committee concerning the general operations of the citizen's advisory committee. The friend of the court and the bureau shall each receive a copy of the evaluation. The friend of the court shall have an opportunity to make a written response to the evaluation. A copy of the response shall be included with the evaluation.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.525 Removal of friend of the court; approval.

Sec. 25. The chief judge may remove the friend of the court. A removal under this section is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have an area in common with the geographic area served by that friend of the court.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.526 Grievance procedure; records; public access to report of grievances; powers and duties of citizen advisory committee.

Sec. 26. (1) A party to a friend of the court case who has a grievance concerning office operations or employees shall utilize the following grievance procedure:

(a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

(b) A party who is not satisfied with the decision of the office under subdivision (a) may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

(2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.

(3) In addition to the grievance procedure provided in subsection (1), a party to a friend of the court case who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.

(4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The

citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.

(5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.

(6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.

(7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.527 Compensation and expenses of friend of the court and employees.

Sec. 27. (1) Except as provided in subsections (2) and (3), the compensation and expenses of the friend of the court for each judicial circuit and of the employees of the office and all operating expenses incurred by the office shall be fixed by the chief judge as provided in section 591 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.591 of the Michigan Compiled Laws. The compensation and expenses shall be paid by the county treasurer from the general fund, and the friend of the court fund created under section 2530 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2530 of the Michigan Compiled Laws, of the county or counties served.

(2) In the third judicial circuit the compensation of the friend of the court and the employees of the state judicial council serving in the third judicial circuit and supervised by the friend of the court shall be paid by the state and shall be fixed as provided in sections 592 and 9104 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.592 and 600.9104 of the Michigan Compiled Laws. Pursuant to section 595(1) of Act No. 236 of the Public Acts of 1961, being section 600.595 of the Michigan Compiled Laws, the state shall maintain and operate the office of the friend of the court as the successor to the friend of the court appointed under former Act No. 412 of the Public Acts of 1919.

(3) In any other judicial circuit in which employees serving in the circuit court are employees of the state judicial council, the compensation of the friend of the court and the employees of the state judicial council serving in that judicial circuit and supervised by the friend of the court shall be paid by the state and shall be fixed as provided in section 9104 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) **Act 294 of 1982**

552.528 Compilation of data; transmission of report to state court administrator.

Sec. 28. Each office of the friend of the court shall compile data on the number and type of complaints regarding support and parenting time. The data shall include, but need not be limited to, the number of cases in which a party fails to appear at a show cause hearing and the number of cases in which a bench warrant is issued for failure to appear. The data compiled under this section shall be transmitted at least annually in a report to the office of the state court administrator. The following specific information shall also be compiled:

(a) The number of state or federal income tax intercepts subsequently found to be based on inaccurate information or employee error.

(b) The number of support orders modified due to inaccurate information or employee error.

(c) The number of grievances filed in a calendar year, the nature of each grievance, the judicial response to each grievance, and any sanction imposed as a result of each grievance.

(d) The number of custody recommendations recommending physical custody to the mother, the father, or a third party.

(e) The number of makeup parenting time petitions filed, the number of hearings held on makeup parenting time petitions, the number of instances makeup parenting time is ordered, and the amount of makeup parenting time that is ordered.

(f) The number of reviews completed in a calendar year.

History: Add. 1996, Act 365, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.531 Repealed. 1996, Act 366, Eff. Jan. 1, 1997.

Compiler's note: The repealed section pertained to definitions.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.533 Repeal of §§ 552.251 to 552.255.

Sec. 33. Act No. 412 of the Public Acts of 1919, as amended, being sections 552.251 to 552.255 of the Compiled Laws of 1970, is repealed.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.534 Conditional effective date.

Sec. 34. This act shall not take effect unless the following House Bills of the 81st Legislature are enacted into law:

- (a) House Bill No. 4871.
- (b) House Bill No. 4873.
- (c) House Bill No. 5257.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: The following House Bills, referred to in this section, were enacted into law as follows:

House Bill No. 4871 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 295, Eff. July 1, 1983.

House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.

House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.535 Effective date.

Sec. 35. Except as provided in section 34, this act shall take effect July 1, 1983.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.601 Short title.

Sec. 1. This act shall be known and may be cited as the “support and parenting time enforcement act”.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1996, Act 25, Eff. June 1, 1996.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.602 Definitions.

Sec. 2. As used in this act:

- (a) “Account” means any of the following:
 - (i) A demand deposit account.
 - (ii) A draft account.
 - (iii) A checking account.
 - (iv) A negotiable order of withdrawal account.
 - (v) A share account.
 - (vi) A savings account.

- (vii) A time savings account.
- (viii) A mutual fund account.
- (ix) A securities brokerage account.
- (x) A money market account.
- (xi) A retail investment account.
- (b) "Account" does not mean any of the following:
 - (i) A trust.
 - (ii) An annuity.
 - (iii) A qualified individual retirement account.
 - (iv) An account covered by the employee retirement income security act of 1974, Public Law 93-406, 88 Stat. 829.
 - (v) A pension or retirement plan.
 - (vi) An insurance policy.
- (c) "Address" means the primary address shown on the records of a financial institution used by the financial institution to contact the account holder.
- (d) "Cash" means money or the equivalent of money, such as a money order, cashier's check, or negotiable check or a payment by debit or credit card, which equivalent is accepted as cash by the agency accepting the payment.
- (e) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.
- (f) "Department" means the family independence agency.
- (g) "Domestic relations matter" means a circuit court proceeding as to child custody or parenting time, or child or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:
 - (i) 1846 RS 84, MCL 552.1 to 552.45.
 - (ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.
 - (iii) Child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.
 - (iv) 1968 PA 293, MCL 722.1 to 722.6.
 - (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.
 - (vi) Revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.
 - (vii) Uniform interstate family support act, 1996 PA 310, MCL 552.1101 to 552.1901.
- (h) "Driver's license" means license as that term is defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25.
- (i) "Employer" means an individual, sole proprietorship, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that hires and pays an individual for his or her services.
- (j) "Financial asset" means a deposit, account, money market fund, stock, bond, or similar instrument.
- (k) "Financial institution" means any of the following:
 - (i) A state or national bank.
 - (ii) A state or federally chartered savings and loan association.
 - (iii) A state or federally chartered savings bank.
 - (iv) A state or federally chartered credit union.
 - (v) An insurance company.
 - (vi) An entity that offers any of the following to a resident of this state:
 - (A) A mutual fund account.
 - (B) A securities brokerage account.
 - (C) A money market account.
 - (D) A retail investment account.
 - (vii) An entity regulated by the securities and exchange commission that collects funds from the public.
 - (viii) An entity that is a member of the national association of securities dealers and that collects funds from the public.
 - (ix) Another entity that collects funds from the public.
- (l) "Friend of the court act" means the friend of the court act, 1982 PA 294, MCL 552.501 to 552.535.
- (m) "Friend of the court case" means that term as defined in section 2 of the friend of the court act, MCL 552.502. The term "friend of the court case", when used in a provision of this act, is not effective until on and

after December 1, 2002.

(n) "Income" means any of the following:

(i) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his or her employer and successor employers.

(ii) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.

(iii) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that is indebted to the individual.

(o) "Insurer" means an insurer, health maintenance organization, health care corporation, or other group, plan, or entity that provides health care coverage in accordance with any of the following acts:

(i) Public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(iii) The nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704.

(p) "Medical assistance" means medical assistance as established under title XIX of the social security act, chapter 531, 49 Stat. 620, 42 USC 1396 to 1396r-6 and 1396r-8 to 1396v.

(q) "Most recent semiannual obligation" means the total amount of current child support owed by a parent during the preceding January 1 to June 30 or July 1 to December 31.

(r) "Occupational license" means a certificate, registration, or license issued by a state department, bureau, or agency that has regulatory authority over an individual that allows an individual to legally engage in a regulated occupation or that allows the individual to use a specific title in the practice of an occupation, profession, or vocation.

(s) "Office of child support" means the office of child support established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(t) "Office of the friend of the court" means an agency created in section 3 of the friend of the court act, MCL 552.503.

(u) "Order of income withholding" means an order entered by the circuit court providing for the withholding of a payer's income to enforce a support order under this act.

(v) "Payer" means an individual who is ordered by the circuit court to pay support.

(w) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(x) "Plan administrator" means that term as used in relation to a group health plan under section 609 of title I of the employee retirement income security act of 1974, Public Law 93-406, 29 USC 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to that act.

(y) "Political subdivision" means a county, city, village, township, educational institution, school district, or special district or authority of this state or of a local unit of government.

(z) "Recipient of support" means the following:

(i) The spouse, if the support order orders spousal support.

(ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.

(iii) The department, if support has been assigned to that department.

(aa) "Recreational or sporting license" means a hunting, fishing, or fur harvester's license issued under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, but does not include a commercial fishing license or permit issued under part 473 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.47301 to 324.47362.

(bb) "Referee" means a person who is designated as a referee under the friend of the court act.

(cc) "Source of income" means an employer or successor employer or another individual or entity that owes or will owe income to the payer.

(dd) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(ee) "State friend of the court bureau" means that bureau as created in the state court administrative office under section 19 of the friend of the court act, MCL 552.519.

(ff) "Support" means all of the following:

(i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment

of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses incurred by or for the mother in connection with her confinement, for other expenses in connection with the pregnancy of the mother, or for the repayment of genetic testing expenses.

(iii) A surcharge under section 3a.

(gg) "Support order" means an order entered by the circuit court for the payment of support, whether or not a sum certain.

(hh) "Title IV-D" means part D of title IV of the social security act, chapter 531, 49 Stat. 620, 42 USC 651 to 655, 656 to 657, 658a to 660, and 663 to 669b.

(ii) "Title IV-D agency" means the agency in this state performing the functions under title IV-D and includes a person performing those functions under contract including an office of the friend of the court or a prosecuting attorney.

(jj) "Work activity" means any of the following:

(i) Unsubsidized employment.

(ii) Subsidized private sector employment.

(iii) Subsidized public sector employment.

(iv) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.

(v) On-the-job training.

(vi) Referral to and participation in the work first program prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or other job search and job readiness assistance.

(vii) Community service programs.

(viii) Vocational educational training, not to exceed 12 months with respect to an individual.

(ix) Job skills training directly related to employment.

(x) Education directly related to employment, in the case of an individual who has not received a high school diploma or a certificate of high school equivalency.

(xi) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of an individual who has not completed secondary school or received such a certificate.

(xii) The provisions of child care services to an individual who is participating in a community service program.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 240, Imd. Eff. Oct. 10, 1990;—Am. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2002, Act 568, Eff. Dec. 1, 2002;—Am. 2002, Act 570, Eff. June 1, 2003;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2004, Act 208, Eff. June 30, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.603 Support order; enforcement.

Sec. 3. (1) A support order issued by a court of this state shall be enforced as provided in this act.

(2) Except as otherwise provided in this section, a support order that is part of a judgment or is an order in a domestic relations matter is a judgment on and after the date the support amount is due as prescribed in section 5c, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. Retroactive modification of a support payment due under a support order is permissible with respect to a period during which there is pending a petition for modification, but only from the date that notice of the petition was given to the payer or recipient of support.

(3) This section does not apply to an ex parte interim support order or a temporary support order entered under supreme court rule.

(4) The office of the friend of the court shall make available to a payer or payee the forms and instructions described in section 5 of the friend of the court act, MCL 552.505.

(5) This section does not prohibit a court approved agreement between the parties to retroactively modify a support order. This section does not limit other enforcement remedies available under this or another act.

(6) Every support order that is part of a judgment issued by a court of this state or that is an order in a domestic relations matter shall include all of the following:

(a) Substantially the following statement: "Except as otherwise provided in section 3 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603, a support order that is part of a judgment or that

is an order in a domestic relations matter as defined in section 2 of the friend of the court act, 1982 PA 294, MCL 552.502, is a judgment on and after the date each support payment is due, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. A surcharge will be added to support amounts that are past due as provided in section 3a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603a.”.

(b) Notice informing the payer of the imposition of liens by operation of law and that the payer's real and personal property can be encumbered or seized if an arrearage accrues in an amount greater than the amount of periodic support payments payable under the payer's support order for the time period specified in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(7) Each support order that is an order in a friend of the court case shall include all of the following:

(a) A requirement that, within 21 days after the payer or payee changes his or her residential or mailing address, that individual report the new address and his or her telephone number in writing to the friend of the court.

(b) A requirement that both the payer and payee notify the office of the friend of the court if he or she holds an occupational license and if he or she holds a driver's license.

(c) The name, address, and telephone number of the payer's and payee's current sources of income.

(d) A requirement that both the payer and payee inform the office of the friend of the court of his or her social security number and driver's license number. The requirement of this subdivision to provide a social security number with the information does not apply to a payer or payee who demonstrates he or she is exempt under law from obtaining a social security number or to a payer or payee who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The court shall inform the payer and payee of this possible exemption.

(e) Notice that an order for dependent health care coverage takes effect immediately and will be sent to the parent's current and subsequent employers and insurers if appropriate. The notice shall inform the parent that he or she may contest the action by requesting a review or hearing concerning availability of health care coverage at a reasonable cost.

(8) A support order shall not accrue interest.

History: Add. 1987, Act 97, Imd. Eff. July 6, 1987;—Am. 1987, Act 198, Imd. Eff. Dec. 14, 1987;—Am. 1993, Act 256, Imd. Eff. Nov. 29, 1993;—Am. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.603a Support payment; surcharge; computation; assessment; collection; enforcement.

Sec. 3a. (1) For a friend of the court case, as of January 1 and July 1 of each year, a surcharge shall be added to support payments that are past due as of those dates. The surcharge shall be calculated at 6-month intervals at an annual rate of interest equal to 1% plus the average interest rate paid at auctions of 5-year United States treasury notes during the 6 months immediately preceding July 1 and January 1, as certified by the state treasurer. The amount of the surcharge shall not compound. The amount shown as due and owing on the records of the friend of the court as of January 1 and July 1 of each year shall be reduced by an amount equal to 1 month's support for purposes of assessing the surcharge. A surcharge under this subsection shall not be added to support ordered under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the time period to the date of the support order.

(2) A surcharge as computed in subsection (1) shall be assessed on a semiannual cycle on January 1 and July 1 of each year except as otherwise provided under subsection (3).

(3) A surcharge shall not be assessed for the current semiannual cycle for any of the following:

(a) Beginning on July 1, 2005, in cases in which the friend of the court is collecting on a current child support obligation, the payer has paid 90% or more of the most recent semiannual obligation during the semiannual cycle.

(b) For a support order entered after the effective date of the amendatory act that added this subsection, for any period of time a support order did not exist when support is later ordered for that period.

(c) The surcharge is waived or abated under a court order under section 3d.

(4) The surcharge shall be collected and enforced by any means authorized under this act, the friend of the court act, or another appropriate federal or state law for the enforcement and collection of child support and paid through the state disbursement unit.

History: Add. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am. 2002, Act 572, Eff. Dec. 1, 2002

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.603b Retroactive correction of support amount.

Sec. 3b. If an individual who is required by the court to report his or her income to the court or the office of the friend of the court knowingly and intentionally fails to report, refuses to report, or knowingly misrepresents that income, after notice and an opportunity for a hearing, the court may retroactively correct the amount of support.

History: Add. 1996, Act 367, Eff. Jan. 1, 1997.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.604 Support order to provide for order of income withholding; order of income withholding by operation of law; notice; effective date of order.

Sec. 4. (1) After July 1, 1983, each support order entered or modified by the circuit court shall provide for an order of income withholding.

(2) Each support order entered by the circuit court on or before July 1, 1983 shall be considered to provide for an order of income withholding by operation of law, and income withholding shall be implemented under the same circumstances and enforced in the same manner as in the case of orders of income withholding required by subsection (1). The office of the friend of the court shall send notice of the provisions of this subsection by ordinary mail to each payer under a support order entered by the circuit court on or before July 1, 1983 to whom this subsection applies.

(3) An order of income withholding in a support order including consideration of any abatements of support entered or modified after December 31, 1990, shall take effect immediately unless 1 of the following applies:

(a) The court finds, upon notice and hearing, that there is good cause for the order of income withholding not to take effect immediately. For purposes of this subdivision, a finding of good cause shall be based on at least all of the following:

(i) A written and specific finding by the court why immediate income withholding would not be in the child's best interests.

(ii) Proof of timely payment of previously ordered support, if applicable.

(iii) For a friend of the court case, an agreement by the payer that he or she shall keep the office of the friend of the court informed of both of the following:

(A) The name, address, and telephone number of his or her current source of income.

(B) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurer; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(b) The parties enter into a written agreement that is reviewed and entered in the record by the court that provides for all of the following:

(i) The order of income withholding shall not take effect immediately.

(ii) An alternative payment arrangement.

(iii) For a friend of the court case, that the payer shall keep the office of the friend of the court informed of both of the following:

(A) The name, address, and telephone number of his or her current source of income.

(B) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurer; the policy, certificate, or contract number; and names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(4) Except as otherwise provided in subsection (3)(a) or (b), an order of income withholding in an ex parte interim support order shall take effect after the expiration of 21 days after the order has been served on the opposite party unless the opposite party files a written objection to the ex parte interim support order during that 21-day period.

(5) An order of income withholding that does not take effect immediately as provided in this section shall take effect when the requirement of section 7 is met.

(6) The court for cause or at the request of the payer may order the withholding of income to take effect immediately.

(7) An order of income withholding in a support order entered on or before December 31, 1990 shall take effect when the requirement of section 7 is met.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 291, Eff. Jan. 1, 1993;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.605 Child support order; deviation from formula; agreement.

Sec. 5. (1) If a court orders the payment of child support under this or another act of the state, this section applies to that order.

(2) Except as otherwise provided in this section, the court shall order child support in an amount determined by application of the child support formula developed by the state friend of the court bureau as required in section 19 of the friend of the court act, MCL 552.519. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

- (a) The child support amount determined by application of the child support formula.
- (b) How the child support order deviates from the child support formula.
- (c) The value of property or other support awarded instead of the payment of child support, if applicable.
- (d) The reasons why application of the child support formula would be unjust or inappropriate in the case.

(3) Subsection (2) does not prohibit the court from entering a child support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (2) are met.

History: Add. 2001, Act 106, Eff. Sept. 30, 2001.

Compiler's note: Former MCL 552.605, which pertained to support orders entered before effective date of act and to withholding of income, was repealed by Act 210 of 1985, Eff. Mar. 1, 1986.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.606 Support order entered under interstate income withholding act.

Sec. 6. If a support order is entered under section 6 of the interstate income withholding act, sections 7 to 23 shall apply in the same manner as if the support order had been entered originally by the court in this state, except as otherwise provided in the interstate income withholding act.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.607 Notice of arrearage to payer; contents; sending copy of notice to recipient; request for hearing; time of hearing; de novo hearing; consolidation of hearings; completion of proceedings; review by friend of the court office.

Sec. 7. (1) For a friend of the court case, if income withholding is not immediately effective and the arrearage under a support order reaches the arrearage amount that requires the initiation of 1 or more support enforcement measures as provided in section 11 of the friend of the court act, MCL 552.511, or, if the amount of income withholding is administratively adjusted for arrears under section 17e of the friend of the court act, MCL 552.517e, the office of the friend of the court immediately shall send notice of the arrearage to the payer by ordinary mail to his or her last known address. The notice to the payer shall contain the following information:

- (a) The amount of the arrearage.
- (b) One or both of the following:
 - (i) That the payer's income is subject to income withholding and the amount to be withheld.
 - (ii) That the payer's income withholding is being administratively adjusted and the amount of the adjustment.
- (c) That income withholding will be applied to current and subsequent employers and periods of employment and other sources of income.
- (d) That the order of income withholding is effective and notice to withhold income will be sent to the payer's source of income.

(e) That the payer may request a hearing under subsection (4) in writing within 21 days after the date of the notice to contest the withholding, but only on the grounds that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, and if the notice includes an administrative adjustment of arrears, that the administrative adjustment will cause an unjust

or inappropriate result.

(f) That if the hearing is held before a referee, the payer has a right to a de novo hearing before a circuit court judge. The place where a request for hearing under subsection (4) shall be filed.

(g) That if the payer believes that the amount of support should be modified due to a change in circumstances, the payer may file a petition with the court for modification of the support order.

(2) A copy of the notice provided for in subsection (1) shall be sent by ordinary mail to each recipient of support.

(3) A payer to whom notice is sent under subsection (1), within 21 days after the date on which the notice was sent, may request a hearing by filing a request for hearing as provided in the notice and serving a copy on the other party. A hearing concerning implementation of income withholding that was not previously effective may be requested only on the grounds that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer.

(4) If a payer requests a hearing under subsection (3), the notice and request shall be filed with the court clerk as a motion contesting the proposed action and a referee or circuit judge shall hold a hearing within 14 days after the date of the request. If at the hearing the payer establishes that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, or that periodic implementation of an administrative adjustment of the amount of the periodic payment of arrears to be withheld will cause an unjust or inappropriate result, the income withholding shall be modified or rescinded according to the guidelines established under section 19 of the friend of the court act, MCL 552.519.

(5) If the hearing provided under subsection (4) is held before a referee, either party may request a de novo hearing as provided in section 7 of the friend of the court act, MCL 552.507.

(6) If a petition for modification of the support order is filed by or on behalf of a payer and is pending at the date scheduled for a hearing under subsection (4), the court may consolidate the hearing under subsection (4) and a hearing on the petition for modification.

(7) All proceedings under this section shall be completed within 45 days after the date that notice was sent under subsection (1), unless otherwise permitted by the court upon a showing of good cause.

(8) The friend of the court office may review the objection administratively before a hearing is held before a referee or judge. If the friend of the court office reviews the objection administratively, either party may object and a hearing shall be held before a referee or judge.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.607a Documentary evidence of income withheld.

Sec. 7a. The friend of the court shall not consider a payer to have an arrearage if the payer produces documentary evidence that money has been withheld from the payer's income in an amount equal to or greater than the amount required under the payer's support order. This documentary evidence includes, but is not limited to, pay stubs, wage statements, or other written income information produced by the payer's employer.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.608 Limitation on amount of income withheld.

Sec. 8. The total amount of income withheld under this act under all orders to withhold income for current support, past due support, fees, and health care coverage premiums effective against a payer shall not exceed the maximum amount permitted under section 303(b) of title III of the consumer credit protection act, Public Law 90-321, 15 U.S.C. 1673.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1995, Act 236, Eff. Mar. 28, 1996.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.609 Order of income withholding; service; directives; notice.

Sec. 9. A notice of income withholding entered under this act shall be served on sources of income as provided in section 11. The notice shall direct sources of income to withhold from income due the payer an amount sufficient to meet the payments ordered for support and service fees, and to defray arrearages in

payments and service fees due at the time the order of income withholding takes effect. The notice shall also direct that the amount withheld for support, fees, and health care coverage premiums shall not exceed the amount allowed under section 303(b) of title III of the consumer credit protection act, Public Law 90-321, 15 U.S.C. 1673. The notice shall contain a statement of the requirements of sections 11, 11a, 12, 13, 14, and 23. The notice shall also direct that income withheld under the notice for support and fees shall be paid to the office of the friend of the court or to the state disbursement unit, as appropriate, within 3 days after the date of the withholding.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.610 Payer to give friend of court name and address of employer.

Sec. 10. For a friend of the court case, the payer shall give to the office of the friend of the court at the time the order of income withholding is issued the name and address of his or her employer. The payer shall immediately give to the office of the friend of the court notice of the name and address of any subsequent employer.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.611 Order of income withholding; duration; priority.

Sec. 11. An order of income withholding entered under this act is binding upon a source of income 7 days after service upon that source of income of a notice of the order of income withholding by ordinary mail or by electronic means as agreed by the source of income and the office of the friend of the court. The order of income withholding remains in effect until further order of the court. An order of income withholding has priority over all other legal process under state law against the same income.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 367, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.611a More than 1 order of income withholding against payer or parent; compliance with source of income; priority; liability; identification of withholding; combining amounts in single payment; identifying portion of single payment attributable to each payer.

Sec. 11a. (1) If there is more than 1 order to withhold income for support, fees, or health care coverage premiums against a payer or parent under this act, the source of income shall comply with all of the notices to withhold income to the extent that the total amount withheld from the payer's or parent's income does not exceed the limits imposed under section 303(b) of title III of the consumer credit protection act, Public Law 90-321, 15 U.S.C. 1673, giving priority to amounts designated in each notice as current support, as follows:

(a) If the total of the amounts designated in the notices as current support exceeds the amount available for income withholding, then the source of income shall allocate to each order an amount for current support equal to the amount designated in the notice as current support, divided by the total of the amounts designated in the notices as current support, multiplied by the amount of income available for income withholding.

(b) If the total of the amounts designated in the notices as current support does not exceed the amount available for income withholding, then the source of income shall pay the amounts designated as current support, and in addition shall proportionately allocate to each order an amount for past due support not to exceed the amount designated in the notice as past due support. This subdivision does not require the maximum withholding to satisfy past due child or spousal support.

(c) If the total amounts allocated to current and past due support do not exceed the amount available for income withholding, then the source of income shall allocate the remaining income to the parent's portion of health care coverage premiums attributable to coverage of the children specified in the order if remaining income is sufficient to cover the cost of the premium. This subdivision does not require a source of income to pay the parent's portion of health care coverage premiums.

(2) A source of income is liable for an amount that the source knowingly and intentionally fails to withhold from the payer's income following service on the source of income of a notice of income withholding, except to the extent that the amount is limited by subsection (1) and section 303(b) of title III of the consumer credit protection act, Public Law 90-321, 15 U.S.C. 1673.

(3) A source of income shall identify each withholding by payer, payer's social security number, case number, amount withheld, and the date on which support was withheld from the payer's income. If the source of income is an employer, it shall also provide its federal employer identification number. A source of income may meet the requirements of this subsection through the use of an automated reporting system established by the SDU.

(4) A source of income may combine amounts withheld from payers' incomes in a single payment and separately identify by payer, social security number, and case number the portion of the single payment that is attributable to each individual payer.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.612 Compliance with order as discharge of liability to payer.

Sec. 12. Compliance by the source of income with a notice of income withholding operates as a discharge of the source's liability to the payer as to that portion of the payer's income affected.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.613 Failure to comply with order; contempt; finding; initiation of proceedings; jurisdiction.

Sec. 13. The court may find a source of income in contempt, require the source of income to pay an amount according to section 11a(2) if the terms of that section have been satisfied, and fine the source of income if the source of income is served with a notice of income withholding and fails to comply with the notice or to pay withheld amounts to the friend of the court after the order becomes binding under section 11. The IV-D agency is responsible for initiating contempt proceedings under this section. Contempt proceedings under this section may be initiated in any county with jurisdiction over the source of income.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.614 Termination or interruption of payer's income; notice; service on new employer or other source of income.

Sec. 14. (1) A source of income that has been served with a notice of income withholding or with an order or notice of an order for dependent health care coverage shall notify the appropriate office of the friend of the court if the parent's income from that source or dependent health care coverage is terminated.

(2) If the source of income is an employer, the source of income shall promptly notify the appropriate office of the friend of the court when the payer's employment is terminated or interrupted for a period of 14 or more consecutive days, and shall provide the payer's last known address and the name and address of the payer's new employer or other source of income, if known. The office of the friend of the court shall immediately serve the payer's new employer or other source of income with a notice of income withholding and, if the payer's source of income is an employer, with a notice of the order for dependent health care coverage.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.615 Notice of change in circumstances.

Sec. 15. The payer and any recipient of support shall immediately give to the office of the friend of the court notice of any change in circumstances which would affect an order of income withholding or the distribution of money received under that order.

History: 1982, Act 295, Eff. July 1, 1983.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.617 Notice of support modification; changing amount assigned or withheld.

Sec. 17. For a friend of the court case, if the court orders a modification in support and an order of income withholding has been entered under this act, the office of the friend of the court shall give to a source of income to which notice of income withholding was sent under section 11 a notice of the modification by ordinary mail or by electronic means as agreed by the source of income and the office of the friend of the court. The amount assigned or withheld shall be changed to conform with the court ordered modification 7 days after receipt of the notice of modification.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1996, Act 367, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.619 Modifying support order to exclude support for child of whom payer awarded sole custody; suspension or termination of order of income withholding; circumstances prohibiting written agreement; effectiveness of order of income withholding; refund of money improperly withheld.

Sec. 19. (1) If the court awards to the payer sole custody of a child for whom the payer has been previously ordered to pay support and a previously accumulated arrearage under the support order for that child does not exist, the court shall modify any existing support order to exclude support ordered to be paid by that payer for that particular child. If an existing support order does not provide for support to any other child of whom the payer does not have custody, for support to a former spouse, or for payments of confinement or pregnancy expenses, the court shall terminate the order of income withholding as soon as any previously accumulated arrearage has been paid.

(2) The office of the friend of the court shall suspend or terminate an order of income withholding under any of the following circumstances:

(a) The location of the child and custodial parent cannot be determined for a period of 60 days or more, and the friend of the court case is being closed.

(b) The court determines that there is no further support obligation.

(c) When otherwise determined by the court, upon a showing of good cause, and if the court determines that such suspension or termination is not contrary to the best interests of the child. In making a determination under this subdivision, the court may consider the previous payment record of the payer, evidence of the payer's intent to make regular and timely support payments, and any other factors considered relevant by the court. However, the payment of arrearages under the support order shall not be the sole reason for termination of an order of income withholding.

(d) The parties enter into a written agreement that is reviewed and entered in the record by the court that provides for all of the following:

(i) The order of income withholding shall be suspended.

(ii) An alternative payment arrangement.

(iii) For a friend of the court case, the payer shall keep the office of the friend of the court informed of both of the following:

(A) The name and address of his or her current source of income.

(B) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; and names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(3) The parties shall not enter into a written agreement under subsection (2)(d) if either of the following circumstances exists:

(a) There is a support arrearage.

(b) An order of income withholding was previously suspended or terminated and subsequently implemented due to the payer's failure to pay support.

(4) If a written agreement is entered into under subsection (2)(d), the order of income withholding shall take effect when an arrearage in support payments as agreed to under the written agreement reaches the arrearage amount that would require the initiation of 1 or more support enforcement measures if the case were a friend of the court case, as provided in section 11 of the friend of the court act, MCL 552.511.

(5) The court may suspend or terminate an order of income withholding if the custodial parent moves out of the state without court authorization.

(6) The office of the friend of the court shall promptly refund money that has been improperly withheld.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 291, Eff. Jan. 1, 1993;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.621 Repealed. 1990, Act 296, Imd. Eff. Dec. 14, 1990.

Compiler's note: The repealed section pertained to payments by employer to friend of court.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.623 Using order of income withholding as basis for refusing to employ, discharging, disciplining, or penalizing payer prohibited; violation as misdemeanor; penalty; restitution; use of occupational, driver's, or recreational or sporting license as basis; exception.

Sec. 23. (1) A source of income shall not use a notice of income withholding as a basis for refusing to employ, discharging, taking disciplinary action against, or imposing a penalty against a payer. A source of income who refuses to employ, discharges, disciplines, or penalizes a payer in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, and shall be required to make full restitution to the aggrieved payer, including reinstatement and back pay.

(2) A source of income shall not use the suspension, as provided for in this act, of an occupational license, driver's license, or recreational or sporting license as the basis for refusing to employ, discharging, taking disciplinary action against, or imposing a penalty against a payer unless the suspended license is legally required for the payer's performance of the job. This act does not prevent a source of income from refusing to employ or discharging an individual whose occupational license, driver's license, or recreational or sporting license is suspended if that license is a necessary predicate to engage in that occupation, vocation, or profession.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.624 Offset proceedings against delinquent payer's tax refunds.

Sec. 24. For a friend of the court case, if a support arrearage has accrued, the office of the friend of the court may request the office of child support to initiate offset proceedings against the delinquent payer's state tax refunds and federal income tax refunds as provided in section 3a of the office of child support act, 1971 PA 174, MCL 400.233a.

History: Add. 1985, Act 210, Imd. Eff. Jan. 8, 1986;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.624a Proceedings to set aside transfer of title or ownership of property without fair consideration.

Sec. 24a. For a friend of the court case, if a support arrearage has accrued and there is reason to believe the payer transferred title or ownership of real or personal property without fair consideration, the title IV-D agency shall initiate proceedings to have the transfer set aside as provided in the uniform fraudulent transfer act, 1998 PA 434, MCL 566.31 to 566.43, or obtain a settlement in the form of full payment of the arrearage or in periodic repayments as is possible in the best interest of the recipient of support.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.625 Enforcement of support orders; providing bond, security, or other guarantee.

Sec. 25. In addition to providing remedies or imposing penalties otherwise available under this act or other law for the enforcement of support orders, the court, upon petition by the office of the friend of the court or recipient of support and after notice to the payer and an opportunity for a hearing, may require a payer to provide sufficient bond, security, or other guarantee to secure the payment of support that is past due, or due in the future, or both. Upon default in the payment of an amount secured by the bond, the court, after notice to the payer and sureties, if any, and an opportunity for a hearing, may render judgment against the payer and

sureties for the amount of unpaid support. Upon default in the payment of the amount awarded in the judgment, the court may order execution of the judgment; appoint a receiver of the real and personal property of the payer and order the property and its income to be applied to the amount of the judgment; or take any other appropriate action to enforce the judgment.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.625a Lien; creation; effect; full faith and credit to liens created in other states; priority; notice; exceptions to creation of lien; effect of lien on itemized amount in redemption order; definitions.

Sec. 25a. (1) The amount of past due support that accrues under a judgment as provided in section 3 or under the law of another state constitutes a lien in favor of the recipient of support against the real and personal property of a payer, including, but not limited to, money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; or as compensation under a worker's compensation order, settlement, redemption order, or voluntary payment. The lien is effective at the time that the support is due and unpaid and shall continue until the amount of past due support is paid in full or the lien is terminated by the title IV-D agency.

(2) Liens that arise in other states shall be accorded full faith and credit when the requirements of section 25b or 25c are met.

(3) A lien created under subsection (1) is subordinate to a prior perfected lien. All liens that arise under subsection (1) and described in subsection (2) have equal priority.

(4) Before a lien is perfected or levied under this act, the title IV-D agency shall send a notice to the payer subject to the support order informing the payer of the imposition of liens by operation of law and that the payer's real and personal property can be encumbered or seized if an arrearage accrues in an amount that exceeds the amount of periodic support payments payable under the payer's support order for the time period specified in this act.

(5) The title IV-D agency or another person required to provide notice under this section or sections 25b to 25i shall provide notice by paper, unless the person to be notified agrees to notice by other means. The title IV-D agency or other person providing notice under this section or sections 25b to 25i shall complete and preserve proof of service of the notice in a form substantially conforming to the requirements for proof of service under the Michigan court rules.

(6) A lien under subsection (1) does not arise against any of the following:

(a) A financial asset pledged to a financial institution as collateral.

(b) A financial asset to which a financial institution has a prior right of setoff or other lien.

(c) Property or an allowance described in sections 2401 to 2404 of the estates and protected individuals code, 1998 PA 386, MCL 700.2401 to 700.2404.

(d) Fifty percent of the amount of compensation due to a payer under a worker's compensation order, settlement, redemption order, or voluntary payment.

(e) That portion of money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; or as compensation under a worker's compensation order, settlement, redemption order, or voluntary payment that is owed for any of the following:

(i) Attorney fees.

(ii) Court costs and other litigation costs, including, but not limited to, medical examination costs, expenses for reports, deposition fees, court reporter fees, and record copy fees.

(iii) The medicaid program under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, unless medicaid is subordinated to child support under federal law.

(iv) Medical services or a reimbursement for a payment made for medical services either to or by an insurer, health maintenance organization, or nonprofit health care corporation. For the purposes of compensation under a worker's compensation order, settlement, redemption order, or voluntary payment, as used in this subparagraph, "medical services" means services as described and regulated under sections 315 and 319 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.315 and 418.319, and the rules promulgated under those sections.

(v) An amount to reimburse an insurance company for the expense incurred by the insurance company in responding to a lien and levy under sections 25b to 25i. A reimbursement amount under this subparagraph

shall not exceed the actual expense or \$50.00, whichever is less, for each lien and levy or for each payment under a lien and levy.

(vi) Other costs related to the arbitration, civil action, or worker's compensation order, settlement, redemption order, or voluntary payment.

(vii) For reimbursements to which an employer or carrier is entitled under section 827 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.827.

(viii) For vocational rehabilitation costs, reimbursements, or credits incidental to long- or short-term disability programs or to pension or welfare benefit funds.

(ix) For a medicare set aside account for future medical care or for future medicaid, unless medicare or medicaid is subordinated to child support under federal law.

(f) Money to be paid under an insurance policy for the repair or replacement of real or tangible personal property.

(g) Money to be paid for allowable expenses that are payable as benefits under section 3107(1)(a) and for expenses under section 3107(1)(c) of the insurance code of 1956, 1956 PA 218, MCL 500.3107.

(7) The title IV-D agency does not have the authority to alter an amount itemized in a redemption order. A lien that arises under this act and a levy of that lien only affect that portion, as prescribed in this section, of the payment due the payer under a redemption order. A carrier shall not use the enforcement of a lien and levy under this act as the basis for freezing or otherwise refusing to pay out an amount itemized in a redemption order that is not affected by the lien and levy under this act.

(8) As used in this section and sections 25b to 25i:

(a) "Carrier" means any of the following:

(i) "Carrier" as that term is defined in section 601 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.601.

(ii) A fund created under section 501 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.501.

(iii) The property and casualty guaranty association required to be maintained by section 7911 of the insurance code of 1956, 1956 PA 218, MCL 500.7911.

(b) "Insurer" means that term as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.625b Remedy as cumulative; lien; perfection; notice; review procedures; enforcement; termination; disclosure of information.

Sec. 25b. (1) A remedy provided by this section is cumulative and does not affect the availability of another remedy under this act or other law.

(2) Except for a financial asset, money to be paid, or compensation to which section 25c applies, the title IV-D agency may perfect a lien created under section 25a upon the real or personal property of the payer when an arrearage has accrued in an amount that exceeds 2 times the monthly amount of periodic support payments payable under the payer's support order.

(3) If the arrearage under subsection (2) is reached and the title IV-D agency has determined that the delinquent payer holds real or personal property, other than a financial asset, money to be paid, or compensation to which section 25c applies, the title IV-D agency may perfect the lien. The title IV-D agency shall perfect a lien on property to which this section applies in the same manner in which another lien on property of the same type is perfected.

(4) The title IV-D agency shall notify the payer when the title IV-D agency has perfected a lien against real or personal property of the payer. The notice shall be sent by ordinary mail to the payer's last known address, and a copy of the notice shall be sent by ordinary mail to the recipient of support. A notice under this subsection shall include all of the following:

(a) The amount of the arrearage.

- (b) That a lien is in effect on the real or personal property of the payer.
- (c) That the property is subject to seizure unless the payer responds by paying the arrearage or requesting a review within 21 days after the date of mailing the notice.
- (d) That, at the review, the payer may object to the lien and to proposed action based on a mistake of fact concerning the overdue support amount or the payer's identity.
- (e) That, if the payer believes that the amount of support ordered should be modified because of a change in circumstances, the payer may file a petition with the court for modification of the support order.
- (5) Within 21 days after the date on which the notice described in subsection (4) is mailed to a payer, the payer may request a review on the lien and the proposed action. If the payer requests a review under this subsection, the title IV-D agency shall conduct the review within 14 days after the date of the request.
- (6) If, at the review, the payer establishes that the lien is not proper because of a mistake of fact, the title IV-D agency shall terminate or modify the lien and, within 7 days, notify the applicable entity that the lien is terminated against all or a portion of the property.
- (7) If the payer fails to request a review, to appear for a review, or to establish a mistake of fact, the title IV-D agency may collect the arrearage by levy upon any property belonging to the payer as provided in this section. The title IV-D agency shall notify the payer at the review or by written notice of its intent to levy.
- (8) To enforce a lien on real property or personal property, the title IV-D agency may sell the real property in the manner provided by law for the judicial foreclosure of mortgage liens; apply to the circuit court for an order to execute the judgment, to appoint a receiver of the real and personal property subject to the lien, and to order the property and its income to be applied to the amount of the judgment; or take any other appropriate action to enforce the judgment. The title IV-D agency shall mail a copy of orders under this subsection to the payer and recipient of support at his or her last known address.
- (9) A payer may request that the title IV-D agency terminate a lien against the real and personal property of the payer on the basis that the payer is no longer in arrears. If the payer is no longer in arrears, the title IV-D agency shall terminate the lien in accordance with law.
- (10) An entity is not liable under any federal or state law to any person for any disclosure of information to the title IV-D agency under this section or for any other action taken in good faith to comply with the requirements of this section.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT) **Act 295 of 1982**

552.626 Notice of income withholding; failure of parent to obtain or maintain health care coverage for child; duties of friend of the court.

Sec. 26. (1) For a friend of the court case, within 2 business days after a new hire report is entered into the state directory of new hires, as created under section 453A of title IV-D, 42 U.S.C. 653a, or a payer's or parent's employer is otherwise identified, the office shall, when appropriate, provide the new employer with a notice of income withholding or a notice of the order for dependent health care coverage, or both, on behalf of a payer who is subject to income withholding or a parent or payer who is required to provide dependent health care coverage.

(2) If an order for dependent health care coverage was entered before September 30, 2001, the office shall, at the time notice of the order is sent to the employer under subsection (1), provide the payer or parent with instructions on how to request a review or hearing to contest the availability of dependent health care coverage at a reasonable cost.

(3) Notwithstanding subsection (2), if a parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court, the office of the friend of the court shall, as applicable, do either of the following:

(a) Petition the court for an order to show cause why the parent should not be held in contempt for failure to obtain or maintain dependent health care coverage that is available at a reasonable cost.

(b) Send notice of noncompliance to the parent. The notice shall contain all of the following information:

(i) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 21 days after mailing of the notice:

(A) Submits written proof to the friend of the court of the child's enrollment in a health care coverage plan.

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

(ii) That the order for dependent health care coverage will be applied to current and subsequent employers and periods of employment.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.626a Eligibility of parent for health care coverage through employer; duties of employer.

Sec. 26a. (1) If a parent is eligible for health care coverage through an employer doing business in the state, within 20 business days after the date of an order or notice of an order for dependent health care coverage, the employer shall notify its insurer or plan administrator and take other action as required to enroll that parent's child in its health care coverage plan or plans, without regard to any enrollment period restrictions, when all of the following exist:

(a) The parent is required by a court or administrative order to provide health care coverage for the parent's child.

(b) The child is eligible for coverage under the plan. A child cannot be denied enrollment or coverage on the grounds that the child was born out of wedlock, is not claimed as a dependent on the parent's federal income tax return, does not reside with the parent or in the insurer's service area, or is eligible for or receiving medical assistance.

(c) The employee applies for coverage for the child or, if the employee fails to apply, the friend of the court or child's other parent through the friend of the court applies for coverage for the child. Application by the friend of the court shall be in the form of the order for dependent health care coverage or a notice of the order for dependent health care coverage.

(2) If coverage is available through the parent's employer, the employer shall withhold from the employee's income the employee's share, if any, of premiums for dependent health care coverage not to exceed the amount allowed under section 8 and pay that amount to the insurer or plan administrator.

(3) An employer shall not disenroll or eliminate health care coverage of a child eligible for coverage and enrolled under subsection (1) unless the employer is provided with satisfactory written evidence that 1 of the following applies:

(a) The court or administrative order requiring health care coverage is no longer in effect.

(b) The child is or will be enrolled in comparable health care coverage that takes effect not later than the effective date of the disenrollment from the existing plan.

(c) The employer has eliminated dependent health care coverage for all of its employees or members.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.626b Order or notice for dependent health care coverage; requirements.

Sec. 26b. (1) An order or notice for dependent health care coverage entered under this act shall include the information required in a qualified medical child support order as specified in section 609 of part 6 of subtitle B of title I of the employee retirement income security act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to that act and shall comply with standards of the national medical support notice as required to meet federal law and regulations.

(2) An order or notice of an order for dependent health care coverage served on an employer shall direct the employer to withhold from the employee's income the employee's share, if any, of premiums for dependent health care coverage and pay that amount to the insurer or plan administrator. The order or notice shall also direct that the amount withheld for support, fees, and health care premiums shall not exceed the amount allowed under section 303(b) of title III of the consumer credit protection act, Public Law 90-321, 15 U.S.C. 1673.

(3) An order or notice of an order for dependent health care coverage under this section may be combined with or accompany an order or notice of income withholding under section 9.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.626c Order for health care coverage; modification notice.

Sec. 26c. If the court modifies an order for health care coverage that may affect the provision of dependent health care coverage, the office of the friend of the court shall send a notice of the modification to the employer, insurer, or plan administrator.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.626d Notice to department of social services identifying health care coverage.

Sec. 26d. The office of the friend of the court shall notify the state department of social services if the office identifies health care coverage that has been obtained or is being maintained by a parent for a child who is a recipient of public assistance or medical assistance. The notice shall include available information on the name and address of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; the effective date of the coverage; the name and birth date of the individual for whose benefit the coverage is maintained; and the name and social security number of the policyholder.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.627 Other enforcement action.

Sec. 27. (1) Under the Michigan court rules, the circuit court may take other enforcement action under applicable laws, including, but not limited to, the following:

- (a) 1846 RS 84, MCL 552.1 to 552.45.
- (b) 1913 PA 379, MCL 552.151 to 552.156.
- (c) The family support act, 1966 PA 138, MCL 552.451 to 552.459.
- (d) Section 1701 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1701.
- (e) 1968 PA 293, MCL 722.1 to 722.6.
- (f) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.
- (g) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(2) Even if another act of this state provides that this act applies to support orders issued under the other act, if that other act contains a specific provision regarding the contents or enforcement of the support order that conflicts with this act, the other act controls in regard to that provision.

(3) Nothing in this section authorizes the IV-D agency to pursue enforcement action under applicable laws except as otherwise specifically authorized by statute or court rule.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.628 Order to suspend payer's occupational, driver's, or recreational or sporting license; petition by office of friend of the court; circumstances; notice to payer.

Sec. 28. (1) For a friend of the court case, the office of the friend of the court may petition the court for an order to suspend a payer's occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, if all of the following circumstances are true:

- (a) An arrearage has accrued in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.
- (b) The payer holds an occupational license, driver's license, or recreational or sporting license or the payer's occupation requires an occupational license.
- (c) An order of income withholding is not applicable or has been unsuccessful in assuring regular payments on the support obligation and regular payments on the arrearage.

(2) An office of the friend of the court shall not file a petition as authorized under subsection (1) unless the office sends the payer a notice that includes all of the following information:

- (a) The amount of the arrearage.
- (b) That the payer's occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, may be subject to an order of suspension.
- (c) That the suspension order will be entered and sent to the licensing agency unless the payer responds by paying the arrearage or requesting a hearing within 21 days after the date of mailing the notice.
- (d) That, at the hearing, the payer may do either of the following:
 - (i) Object to the proposed suspension based on a mistake of fact concerning the overdue support amount or the payer's identity.
 - (ii) Suggest to the court a schedule for the payment of the arrearage.
- (e) That, if the payer believes that the amount of support ordered should be modified due to a change in circumstances, the payer may file a petition with the court for modification of the support order.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 565, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT) **Act 295 of 1982**

552.629 Suspension hearing; consolidation with modification hearing; order to pay arrearage in installments; suspension order.

Sec. 29. (1) Within 21 days after the date on which the notice described in section 28 is mailed to a payer, the payer may request a hearing on the proposed suspension. If the payer requests a hearing within that time, entry of the suspension order shall be delayed pending the outcome of the hearing.

(2) If a payer files a petition for modification of the support order and the petition is pending at the date scheduled for a hearing under this section, the court shall consolidate the hearing under this section and a hearing on the petition for modification unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on the petition for modification shall be held before the hearing scheduled under this section.

(3) If the court determines that the payer has accrued an arrearage on his or her support order and that the payer has, or could by the exercise of due diligence have, the capacity to pay all or some portion of the amount due, the court shall order the payment of the arrearage in 1 or more scheduled installments of a sum certain.

(4) After 21 days after the date on which the notice described in section 28 is sent, the court may order the suspension of the payer's occupational license, driver's license, or recreational or sporting license, or any combination of the licenses included in the notice under section 28, under either of the following circumstances:

- (a) The payer fails to pay the arrearage and fails to either request a hearing as provided in subsection (1) or appear for a hearing scheduled after such a request.
- (b) The payer fails to comply with an arrearage payment schedule ordered under this section.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT) **Act 295 of 1982**

552.630 Suspension of occupational, driver's, or recreational or sporting license by regulatory agency or secretary of state; sending copy of order; schedule for payment of arrearage; rescission of suspension order.

Sec. 30. (1) If the court orders a suspension of an occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, under section 29, 33, 35, or 45, the order shall indicate that the licensing agency shall suspend the license within 7 business days after receipt of the suspension order. The office of the friend of the court shall send a copy of the suspension order to the licensing agency. If the payer is the subject of a suspension order under section 29 and has failed to respond in any manner to the notice given under section 28, the office of the friend of the court shall not send the suspension order to the licensing agency until at least 14 days after the date the office first attempts service of a copy of the order on the payer by personal service or by registered or certified mail, return receipt requested, with delivery restricted to the payer.

(2) After entry of a suspension order under section 29, a payer may agree to and the court may order a schedule for the payment of the arrearage. If the court orders a schedule for payment of the arrearage, the court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434, section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, or section 43559 of the natural resources and environmental

protection act, 1994 PA 451, MCL 324.43559. If a suspension order has been sent, within 7 business days after entry of the order rescinding the suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.631 Failure or refusal to obey and perform support order; civil contempt proceeding; failure to appear; bench warrant; bond or cash deposit; custody; payment and disposition of costs.

Sec. 31. (1) If a person is ordered to pay support under a support order and fails or refuses to obey and perform the order, and if an order of income withholding is inapplicable or unsuccessful, a recipient of support or the office of the friend of the court may commence a civil contempt proceeding by filing in the circuit court a petition for an order to show cause why the delinquent payer should not be held in contempt. If the payer fails to appear in response to an order to show cause, the court shall do 1 or more of the following:

- (a) Find the payer in contempt for failure to appear.
- (b) Find the payer in contempt for the reasons stated in the motion for the show cause hearing.
- (c) Apply an enforcement remedy authorized under this act or the friend of the court act for the nonpayment of support.
- (d) Issue a bench warrant for the payer's arrest requiring that the payer be brought before the court without unnecessary delay for further proceedings in connection with the show cause or contempt proceedings.
- (e) Adjourn the hearing.
- (f) Dismiss the order to show cause if the court determines that the payer is not in contempt.

(2) In a bench warrant issued under this section, the court shall decree that the payer is subject to arrest if apprehended or detained anywhere in this state and shall require that, upon arrest, unless the payer deposits a cash performance bond in the manner required by section 32, the payer shall remain in custody until the time of the hearing. The court shall specify in the bench warrant the cash performance bond amount. The court shall set the cash performance bond at not less than \$500.00 or 25% of the arrearage, whichever is greater. At its own discretion, the court may set the cash performance bond at an amount up to 100% of the arrearage and add to the amount of the required deposit the amount of the costs the court may require under subsection (3). If a payer is arrested on a felony warrant issued for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, unless the payer deposits a cash performance bond in the manner required by section 32, the court shall require that, upon arrest, the payer remain in custody until the time of the preliminary examination. Upon notification that a payer who has an outstanding bench warrant under this section has been arrested or arraigned on a felony warrant for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, the court may order that the bench warrant be recalled.

(3) If the court issues a bench warrant under this section, except for good cause shown on the record, the court shall order the payer to pay the costs related to the hearing, issuance of the warrant, arrest, and further hearings. Those costs and costs ordered for failure to appear under section 32 or 44 shall be transmitted to the county treasurer for distribution as required in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1983, Act 108, Imd. Eff. July 1, 1983;—Am. 1996, Act 301, Eff. Jan. 1, 1997;—Am. 2000, Act 442, Eff. Apr. 1, 2001;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2004, Act 569, Imd. Eff. Jan. 3, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.632 Payer arrested under bench warrant; cash performance bond; hearing on order to show cause; form of bond receipt; failure to appear; transmission and deposit of bond; setting aside contempt finding.

Sec. 32. (1) If a bench warrant was issued and the payer is arrested in the county that issued the warrant or another county in this state, the payer shall remain in custody until there is a hearing or the payer posts an adequate cash performance bond. If the payer cannot post the cash performance bond in the amount stated in the bench warrant, the payer is entitled to a hearing within 48 hours, excluding weekends and holidays. The issues to be considered at a hearing required under this subsection are limited to the payer's answer to the order to show cause and, if the payer was found in contempt, to further proceedings related to the payer's contempt. If the hearing is not held as provided in this subsection, the court shall review, based on criteria prescribed in the Michigan court rules, the amount of the cash performance bond to determine an amount that

will ensure the payer's appearance and shall set a date for a hearing to be held under subsection (4) within the time limit prescribed in the Michigan court rules.

(2) The officer receiving a cash performance bond under subsection (1) shall give to the arrested payer a receipt for the cash performance bond on a form substantially as follows:

"Date _____

Received from _____ (referred to in this receipt as "the payer") to assure the performance of the payer's support obligation. The payer shall appear for hearing at a date noticed to the payer by the court at the following address:

(address furnished by the payer for receipt of notice)

The hearing is for the payer to answer the show cause order and, if the payer was found in contempt, to further proceedings related to the payer's contempt.

If the payer fails to appear at the time and place indicated in the court's notice, fails to submit to the jurisdiction of the court, and fails to abide by an order of the court, the cash performance bond shall be transmitted to the friend of the court or to the state disbursement unit for payment of the arrearage to the recipient of support and of costs to the court. If the payer appears at the time and place indicated above and the court determines that the payer owes an arrearage under the support order that is the basis of the order to show cause or owes costs to the court, the cash performance bond deposited shall be transmitted to the office of the friend of the court or to the state disbursement unit for payment of the arrearage to the recipient of support and of costs to the court. By depositing the cash performance bond with the officer and accepting this receipt, the recipient of this receipt waives a claim to the money under the cash performance bond following its transmittal to the friend of the court or to the SDU.

Officer: _____ Dept.: _____".

(3) The officer receiving a cash performance bond shall in turn deposit the bond received under this section with the clerk of the court that issued the bench warrant. If the payer deposits a cash performance bond under this section, the date for a hearing to be held under subsection (4) shall be set within the time limit prescribed in the Michigan court rules.

(4) At a hearing held after a payer deposits a cash performance bond, the issues to be considered are limited to the payer's answer to the order to show cause and, if the payer was found in contempt, to further proceedings related to the payer's contempt. On the basis of the hearing, the court by order shall determine how much of the cash performance bond deposited under this section is to be transmitted to the friend of the court or to the SDU for payment to 1 or more recipients of support and to the county treasurer for distribution as provided in section 31. The balance, if any, shall be returned to the person who posted the cash performance bond on the payer's behalf.

(5) If the payer fails to appear as required, the court shall order the cash performance bond forfeited and transmit the bond to the friend of the court or to the SDU for payment to 1 or more recipients of support and to the county treasurer for distribution as provided in section 31. In addition, the court may again issue a bench warrant for the further appearance of the payer as provided in section 31.

(6) The court may set aside a finding of contempt under section 31 if the court finds, based on the hearing under this section, that the payer is in compliance with the court's order or for other good cause shown.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1983, Act 108, Imd. Eff. July 1, 1983;—Am. 1996, Act 301, Eff. Jan. 1, 1997;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2000, Act 442, Eff. Apr. 1, 2001;—Am. 2002, Act 567, Eff. June 1, 2003.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.633 Finding payer in contempt; presumption; proof of currently available resources; orders; noncompliance with arrearage payment schedule; suspension of license.

Sec. 33. (1) The court may find a payer in contempt if the court finds that the payer is in arrears and if the court is satisfied that the payer has the capacity to pay out of currently available resources all or some portion of the amount due under the support order. In the absence of proofs to the contrary introduced by the payer, the court shall presume that the payer has currently available resources equal to 4 weeks of payments under the support order. The court shall not find that the payer has currently available resources of more than 4 weeks of payments without proof of those resources by the office of the friend of the court or the recipient of support. Upon finding a payer in contempt of court under this section, the court may immediately enter an order doing 1 or more of the following:

(a) Committing the payer to the county jail.

(b) Committing the payer to the county jail with the privilege of leaving the jail during the hours the court determines, and under the supervision the court considers, necessary for the purpose of allowing the payer to go to and return from his or her place of employment.

(c) Committing the payer to a penal or correctional facility in this state that is not operated by the state department of corrections.

(d) If the payer holds an occupational license, driver's license, or recreational or sporting license, conditioning a suspension of the payer's license, or any combination of the licenses, upon noncompliance with an order for payment of the arrearage in 1 or more scheduled installments of a sum certain. A court shall not order the sanction authorized by this subdivision unless the court finds that the payer has accrued an arrearage of support payments in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.

(e) Ordering the payer to participate in a work activity. This subdivision does not alter the court's authority to include provisions in an order issued under this section concerning a payer's employment or his or her seeking of employment as that authority exists on August 10, 1998.

(f) If available within the court's jurisdiction, order the payer to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(g) Except as provided by federal law and regulations, ordering the parent to pay a fine of not more than \$100.00. A fine ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(2) If the court enters an order under subsection (1)(d) and the payer fails to comply with the arrearage payment schedule, after notice and opportunity for a hearing, the court shall order suspension of the payer's license or licenses with respect to which the order under subsection (1)(d) was entered and shall proceed under section 30.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1996, Act 336, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.635 Finding payer in contempt; orders; release from county jail of unemployed payer who finds employment; noncompliance with arrearage payment schedule; suspension of license.

Sec. 35. (1) The court may find a payer in contempt if the court finds that the payer is in arrears and 1 of the following:

(a) The court is satisfied that by the exercise of diligence the payer could have the capacity to pay all or some portion of the amount due under the support order and that the payer fails or refuses to do so.

(b) The payer has failed to obtain a source of income and has failed to participate in a work activity after referral by the friend of the court.

(2) Upon finding a payer in contempt of court under this section, the court shall, absent good cause to the contrary, immediately order the payer to participate in a work activity and may also do 1 or more of the following:

(a) Commit the payer to the county jail with the privilege of leaving the jail during the hours the court determines, and under the supervision the court considers, necessary for the purpose of allowing the payer to participate in a work activity.

(b) If the payer holds an occupational license, driver's license, or recreational or sporting license, condition a suspension of the payer's license, or a combination of the licenses, upon noncompliance with an order for payment of the arrearage in 1 or more scheduled installments of a sum certain. A court shall not order the sanction authorized by this subdivision unless the court finds that the payer has accrued an arrearage of support payments in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.

(c) If available within the court's jurisdiction, order the payer to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(d) Except as provided by federal law and regulations, order the parent to pay a fine of not more than \$100.00. A fine ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(3) Notwithstanding the length of commitment imposed under this section, the court may release a payer who is unemployed if committed to a county jail under this section and who finds employment if either of the following applies:

(a) The payer is self-employed, completes 2 consecutive weeks at his or her employment, and makes a support payment as required by the court.

(b) The payer is employed and completes 2 consecutive weeks at his or her employment and an order of income withholding is effective.

(4) If the court enters an order under subsection (2)(b) and the payer fails to comply with the arrearage payment schedule, after notice and an opportunity for a hearing, the court shall order suspension of the payer's license or licenses with respect to which the order under subsection (2)(b) was entered and shall proceed under section 30.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1996, Act 336, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT) **Act 295 of 1982**

552.637 Order of commitment.

Sec. 37. (1) An order of commitment under section 33 or 35 shall be entered only if other remedies appear unlikely to correct the payer's failure or refusal to pay support.

(2) An order of commitment under section 33 shall separately state both of the following:

(a) The amount of the arrearage under the support order.

(b) The amount to be paid by the payer in order to be released from the order of commitment, which amount may not be greater than the payer's currently available resources as found by the court.

(3) An order of commitment under section 35 shall separately state both of the following:

(a) The amount of arrearage under the support order.

(b) The amount to be paid in order to be released from the order of commitment.

(4) A commitment shall continue until the amount ordered to be paid under subsection (2)(b) or (3)(b) is paid but shall not exceed 45 days for the first adjudication of contempt or 90 days for a subsequent adjudication of contempt.

(5) The court may further direct that a portion or all of the earnings of the payer in the facility or institution shall be paid to and applied for support until the payer complies with the order of the court, until the payer is released pursuant to this section from an order of commitment, or until the further order of the court. If it appears that the department has contributed towards the support of the minor child or children during the period of noncompliance with the order of the court, the court, in the contempt proceedings, may order all or part of a lump sum payment to the office of the friend of the court, state disbursement unit, or county clerk to be paid to the department not to exceed the amount of the contribution made by the department. The court may order the money paid to the person or persons entitled to the money in weekly or monthly installments by the office of the friend of the court, SDU, or county clerk to the extent that the court considers installments necessary for support.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999.

Constitutionality: An indigent defendant may not be incarcerated following a contempt proceeding for failure to pay child support where the assistance of counsel has been denied. *Mead v. Batchlor*, 435 Mich. 480, 460 N.W.2d 493 (1990).

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT) **Act 295 of 1982**

552.639 Committing payer to county jail without privilege; violating conditions of court; failure to return to place of confinement as escape from custody; misdemeanor; penalty.

Sec. 39. (1) If a payer is committed to jail under section 33(b) or 35(2) and violates the conditions of the court, the court shall commit the payer to the county jail without the privilege provided under section 33(b) or 35(2) for the balance of the period of the commitment imposed by the court.

(2) If a payer is committed to jail under section 33(b) or 35(2) and fails to return to the place of confinement within the time prescribed, the payer shall be considered to have escaped from custody and shall be guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

History: 1982, Act 295, Eff. July 1, 1983.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT) **Act 295 of 1982**

552.641 Complaint alleging custody or parenting time order violation; duties of friend of court; declining to respond to violation; circumstances; compliance with § 552.519.

Sec. 41. (1) For a friend of the court case, a friend of the court shall do 1 or more of the following in response to an alleged custody or parenting time order violation stated in a complaint submitted under section 11b of the friend of the court act, MCL 552.511b:

- (a) Apply a makeup parenting time policy established under section 42.
- (b) Commence civil contempt proceedings under section 44.
- (c) File a motion with the court under section 17d of the friend of the court act, MCL 552.517d, for a modification of existing parenting time provisions to ensure parenting time, unless contrary to the best interests of the child.

(d) Schedule mediation subject to section 13 of the friend of the court act, MCL 552.513.

(e) Schedule a joint meeting subject to section 42a.

(2) Notwithstanding the requirement of subsection (1), the office of the friend of the court may decline to respond to an alleged custody or parenting time order violation under any of the following circumstances:

(a) The party submitting the complaint has previously submitted 2 or more complaints alleging custody or parenting time order violations that were found to be unwarranted, costs were assessed against the party because a complaint was found to be unwarranted, and the party has not paid those costs.

(b) The alleged custody or parenting time order violation occurred more than 56 days before the complaint is submitted.

(c) The custody or parenting time order does not include an enforceable provision that is relevant to the custody or parenting time order violation alleged in the complaint.

(3) This section shall be implemented in compliance with the guidelines developed as required in section 19 of the friend of the court act, MCL 552.519.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 2002, Act 568, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.642 Makeup parenting time policy; establishment; approval; provisions of policy; notice; response; procedures.

Sec. 42. (1) Each circuit shall establish a makeup parenting time policy under which a parent who has been wrongfully denied parenting time is able to make up the parenting time at a later date. The policy does not apply until it is approved by the chief circuit judge. A makeup parenting time policy established under this section shall provide all of the following:

(a) That makeup parenting time shall be at least the same type and duration of parenting time as the parenting time that was denied, including, but not limited to, weekend parenting time for weekend parenting time, holiday parenting time for holiday parenting time, weekday parenting time for weekday parenting time, and summer parenting time for summer parenting time.

(b) That makeup parenting time shall be taken within 1 year after the wrongfully denied parenting time was to have occurred.

(c) That the wrongfully denied parent shall choose the time of the makeup parenting time.

(d) That the wrongfully denied parent shall notify both the office of the friend of the court and the other parent in writing not less than 1 week before making use of makeup weekend or weekday parenting time or not less than 28 days before making use of makeup holiday or summer parenting time.

(2) If wrongfully denied parenting time is alleged and the friend of the court determines that action should be taken, the office of the friend of the court shall send each party a notice containing the following statement in boldfaced type of not less than 12 points:

“FAILURE TO RESPOND IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT WITHIN 21 DAYS AFTER THIS NOTICE WAS SENT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKEUP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE APPLIED.”.

(3) If a party to the parenting time order does not respond in writing to the office of the friend of the court, within 21 days after the office sends the notice required under subsection (2), to contest the application of the makeup parenting time policy, the office of the friend of the court shall notify each party that the makeup parenting time policy applies. If a party makes a timely response to contest the application of the makeup parenting time policy, the office of the friend of the court shall utilize a procedure authorized under section 41 other than the application of the makeup parenting time policy.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 2002, Act 568, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.644 Civil contempt proceeding to resolve dispute concerning parenting time of minor child; commencement by office of friend of court; notice; finding of violation; powers of court; duration of commitment; release; bench warrant; sanction for bad faith; judgment; payment of costs.

Sec. 44. (1) If the office of the friend of the court determines that a procedure for resolving a parenting time dispute authorized under section 41 other than a civil contempt proceeding is unsuccessful in resolving a parenting time dispute, the office of the friend of the court shall commence a civil contempt proceeding to resolve a dispute concerning parenting time with a minor child by filing with the circuit court a petition for an order to show cause why either parent who has violated a parenting time order should not be held in contempt. The office of the friend of the court shall notify the parent who is the subject of the petition. The notice shall include at least all of the following:

(a) A list of each possible sanction if the parent is found in contempt.

(b) The right of the parent to a hearing on a proposed modification of parenting time if requested within 21 days after the date of the notice, as provided in section 45.

(2) If the court finds that either parent has violated a parenting time order without good cause, the court shall find that parent in contempt and may do 1 or more of the following:

(a) Require additional terms and conditions consistent with the court's parenting time order.

(b) After notice to both parties and a hearing, if requested by a party, on a proposed modification of parenting time, modify the parenting time order to meet the best interests of the child.

(c) Order that makeup parenting time be provided for the wrongfully denied parent to take the place of wrongfully denied parenting time.

(d) Order the parent to pay a fine of not more than \$100.00.

(e) Commit the parent to the county jail.

(f) Commit the parent to the county jail with the privilege of leaving the jail during the hours the court determines necessary, and under the supervision the court considers necessary, for the purpose of allowing the parent to go to and return from his or her place of employment.

(g) If the parent holds an occupational license, driver's license, or recreational or sporting license, condition the suspension of the license, or any combination of the licenses, upon noncompliance with an order for makeup and ongoing parenting time.

(h) If available within the court's jurisdiction, order the parent to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(3) The court shall state on the record the reason the court is not ordering a sanction listed in subsection (2)(a) to (h). For the purpose of subsection (2), "good cause" includes, but is not limited to, consideration of the safety of a child or party who is governed by the parenting time order.

(4) A commitment under subsection (2)(e) or (f) shall not exceed 45 days for the first finding of contempt or 90 days for each subsequent finding of contempt. A parent committed under subsection (2)(e) or (f) shall be released if the court has reasonable cause to believe that the parent will comply with the parenting time order.

(5) If a parent fails to appear in response to an order to show cause, the court may issue a bench warrant requiring that the parent be brought before the court without unnecessary delay to show cause why the parent should not be held in contempt. Except for good cause shown on the record, the court shall further order the parent to pay the costs of the hearing, the issuance of the warrant, the arrest, and further hearings, which costs shall be transmitted to the county treasurer for distribution as provided in section 31.

(6) If the court finds that a party to a parenting time dispute has acted in bad faith, the court shall order the party to pay a sanction of not more than \$250.00 for the first time the party is found to have acted in bad faith, not more than \$500.00 for the second time, and not more than \$1,000.00 for the third or a subsequent time. A sanction ordered under this subsection shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530, and shall be used to fund services that are not title IV-D services.

(7) A fine ordered under subsection (2), costs ordered under subsection (5), or a sanction ordered under subsection (6) becomes a judgment at the time they are ordered.

(8) If the court finds that a party to a parenting time dispute has acted in bad faith, the court shall order the party to pay the other party's costs.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1996, Act 301, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 568, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.645 Finding of contempt for noncompliance with makeup and ongoing parenting time schedule; suspension of license; agreement; rescission of suspension order; sending copy to licensing agency; hearing to show cause; hearing on modification of parenting time.

Sec. 45. (1) If the court enters an order under section 44(2)(g) and the parent fails to comply with the makeup and ongoing parenting time schedule, the court shall find the parent in contempt and, after notice and an opportunity for a hearing, may order suspension of the parent's license or licenses with respect to which the order under section 44(2)(g) was entered and proceed under section 30.

(2) After entry of a suspension order under subsection (1), a parent may agree to a makeup parenting time schedule. The court may order a makeup parenting time schedule if the parent demonstrates a good faith effort to comply with the parenting time order. If the court orders a makeup parenting time schedule, the court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434, section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, or section 43559 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43559. Within 7 business days after entry of the order rescinding the suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

(3) Within 21 days after the date of the notice under section 44, a parent who is notified of a petition to show cause under section 44 may request a hearing on a proposed modification of parenting time. The court shall hold the requested hearing unless the parenting time dispute is resolved by other means. The court shall combine the hearing prescribed by this subsection with the hearing on the order to show cause unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on a proposed modification of parenting time shall be held before the hearing on the order to show cause.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 568, Eff. Dec. 1, 2002.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.646 Custodial parent committed to jail under § 552.644(2)(e); violation of conditions of court; commitment to county jail without privilege; failure to return to place of confinement as escape from custody; misdemeanor; penalty.

Sec. 46. (1) If a custodial parent is committed to jail under section 44(2)(e) and violates the conditions of the court, the court shall commit the person to the county jail without the privilege provided under section 44(2)(e) for the balance of the period of commitment imposed by the court.

(2) If a custodial parent is committed to jail under section 44(2)(e) and fails to return to the place of confinement within the time prescribed, the custodial parent shall be considered to have escaped from custody and shall be guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

History: 1982, Act 295, Eff. July 1, 1983.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.648 Transition to centralized receipt and disbursement of support and fees.

Sec. 48. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.649 Conditional effective date.

Sec. 49. This act shall not take effect unless the following bills of the 81st Legislature are enacted into law:

- (a) House Bill No. 4870.
- (b) House Bill No. 4873.
- (c) House Bill No. 5257.

History: 1982, Act 295, Eff. July 1, 1983.

Compiler's note: The following House Bills referred to in this section, were enacted into law as follows:

House Bill No. 4870 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 294, Eff. July 1, 1983.

House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.

House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)

Act 295 of 1982

552.650 Effective date.

Sec. 50. Except as provided in section 49, this act shall take effect July 1, 1983.

History: 1982, Act 295, Eff. July 1, 1983.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.671 Short title.

Sec. 1. This act shall be known and may be cited as the "interstate income withholding act".

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.672 Purpose of act.

Sec. 2. The purpose of this act is to enhance the enforcement of support obligations by providing a quick and effective procedure for the withholding of income derived in this jurisdiction to enforce support orders of other jurisdictions, and by requiring that income withholding to enforce the support orders of this jurisdiction be sought in other jurisdictions. This act shall be construed liberally to effect that purpose.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.673 Definitions.

Sec. 3. As used in this act:

(a) "Agency" means the court or entity in another jurisdiction with functions similar to those assigned in this act to the office of the friend of the court and the office of child support relative to the issuance and enforcement of support orders.

(b) "Child" means a child, whether above or below the age of majority, with respect to whom a support order exists.

(c) "Court" means the circuit court of this state and, when the context requires, the court or entity of another jurisdiction with functions similar to those assigned in this act to the circuit court of this state relative to the issuance and enforcement of support orders.

(d) "Income" means income as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

(e) "Income derived in this jurisdiction" means income, the source of income of which is subject to the jurisdiction of this state for the purpose of imposing and enforcing income withholding under the support and parenting time enforcement act.

(f) "Jurisdiction" means a state or political subdivision, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

(g) "Obligee" means a person or entity that is entitled to receive support under a support order, and includes an entity of another jurisdiction to which a person has assigned his or her right to support.

(h) "Obligor" means a person required to make payments under the terms of a support order for a child, spouse, or former spouse.

(i) "Office of child support" means the entity established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(j) "Office of the friend of the court" means an office created in section 3 of the friend of the court act, 1982 PA 294, MCL 552.503.

(k) "Order of income withholding" means order of income withholding as defined in section 2 of the support and parenting time enforcement act, MCL 552.602, or the equivalent document issued in another jurisdiction.

(l) "Source of income" means source of income as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

(m) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(n) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.

(o) "Support order" means an order or judgment for the support, or for the payment of arrearages on the support, of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, separate maintenance, paternity, guardianship, or equivalent proceeding, or otherwise.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996;—Am. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.674 Remedy cumulative; delay or denial of relief prohibited.

Sec. 4. The remedy provided in this act is in addition to, and not in substitution for, any other remedy otherwise available to enforce a support order of another jurisdiction. Relief under this act shall not be denied, delayed, or otherwise affected because of the availability of other remedies, nor shall relief under any other statute be delayed or denied because of the availability of this remedy.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.675 Requesting agency of another jurisdiction to enter order for purpose of obtaining income withholding; documentation; copy of subsequent modifications of support order; contesting income withholding; notice; monitoring payments.

Sec. 5. On behalf of a client for whom the office of the friend of the court is already providing services, or on application of a resident of this state, an obligee or obligor of a support order issued by this state or an entity to whom the obligee has assigned support rights, or the office of the friend of the court in the county where the support order was entered or, if there is no such order, in the county where the obligee or obligor resides, shall promptly request the agency of another jurisdiction in which the obligor of a support order derives income to enter the order for the purpose of obtaining income withholding against that income. The office of the friend of the court shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order for this purpose and shall file the documentation with the clerk of the court. The office of the friend of the court also shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent modifications of the support order. If the office of the friend of the court receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time, and place of the hearings and of the obligee's right to attend. The office of the friend of the court shall monitor payments made pursuant to an order of income withholding.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1990, Act 354, Imd. Eff. Dec. 26, 1990;—Am. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.676 Office of child support to forward documentation to office of friend of court; filing documents with clerk of court; acceptance of documents as entry of support order; documentation required for entry of support order of another jurisdiction; remedying defect in documentation; notice of necessary additions or corrections; effect of meeting substantive requirement; enforcement of support order; jurisdiction limited to income withholding.

Sec. 6. (1) Upon receiving a support order of another jurisdiction with the documentation specified in subsection (2) from an agency, an obligee, an obligor, or an attorney for either, the office of child support shall forward the documentation to the office of the friend of the court in the county in which withholding is being sought and the office of the friend of the court shall file the documents with the clerk of the court in that county. The clerk of the court shall accept the documents filed and the acceptance constitutes entry of the

support order only for the purposes of this act.

(2) The following documentation is required for the entry of a support order of another jurisdiction:

(a) A certified copy of the support order with all modifications.

(b) A certified copy of an order of income withholding still in effect, if any.

(c) A copy of the portion of the income withholding statute of the jurisdiction that issued the support order that states the amount of arrearages necessary to mandate income withholding under the law of that jurisdiction.

(d) A sworn statement of the obligee or certified statement of the agency of the amount of arrearages, including the approximate dates the arrearages accrued, and the assignment of support rights, if any.

(e) A statement of all of the following:

(i) The name, address, and social security number of the obligor, if known.

(ii) The name and address of the obligor's employer or of any other source of income of the obligor derived in this state against which income withholding is sought.

(iii) The name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.

(iv) The amount of income withholding requested.

(f) A statement of eligibility for services under part D of title IV of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 669, signed by the obligee.

(g) A copy of proof of service or other evidence that the court or agency that issued the support order had personal jurisdiction over the obligor.

(h) Notification of any known support orders involving the same parties and the same children.

(3) If the documentation received by the office of child support under subsection (1) does not conform to the requirements of subsection (2), the office of child support shall remedy any defect that it can without the assistance of the requesting agency or party. If the office of child support is unable to make such corrections, the office of child support shall immediately notify the requesting agency or party of the necessary additions or corrections. In neither case shall the documentation be returned. If the substantive requirements of subsection (2) are met, the office of child support and the clerk of the court shall accept the documentation required by subsection (2), even if the documentation is not in the usual form required by this state.

(4) Except as otherwise provided in sections 7 to 13, a support order entered under subsection (1) is enforceable by income withholding against income derived in this state in the same manner and with the same effect as provided in sections 7 to 23 of the support and parenting time enforcement act, being sections 552.607 to 552.623 of the Michigan Compiled Laws, for support orders entered in this state. Entry of the order does not confer jurisdiction on the courts of this state for any purpose other than income withholding.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.676a Filing fee or other costs not required.

Sec. 6a. A court shall not require payment of either a filing fee or other costs from the obligee.

History: Add. 1990, Act 354, Imd. Eff. Dec. 26, 1990.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.677 Notice of proposed income withholding; contents; request for hearing; notice of hearing.

Sec. 7. (1) On the date a support order is entered under section 6, the office of the friend of the court shall send to the obligor, in the manner provided in section 7 of the support and parenting time enforcement act, being section 552.507 of the Michigan Compiled Laws, a notice of the proposed income withholding. The notice shall contain the same information required in that section and shall also advise the obligor that the income withholding was requested on the basis of a support order of another jurisdiction.

(2) If the obligor requests a hearing to contest the proposed income withholding, the office of the friend of the court shall immediately notify the agency or person that sent the documentation under subsection (1) of the date, time, and place of the hearing and of the obligee's right to attend the hearing.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.678 Prima facie proof; defenses of obligor; burden; duties of court.

Sec. 8. (1) At any hearing contesting proposed income withholding based on a support order entered under section 6, the support order, accompanying sworn or certified statement, and a certified copy of an order of income withholding still in effect, if any, shall constitute prima facie proof, without further proof or foundation, that the support order is valid, that the amount of current support payments and arrearages is as stated, and that the obligee would be entitled to income withholding under the law of the jurisdiction which issued the support order.

(2) Once a prima facie case has been established as provided in subsection (1), the obligor may raise only the following defenses:

(a) That withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the obligor.

(b) That the court or agency which issued the support order entered under this act lacked personal jurisdiction over the obligor.

(c) That the support order entered under this act was obtained by fraud.

(d) That the statute of limitations under section 13 (3) precludes enforcement of all or part of the arrearages.

(3) The burden shall be on the obligor to establish a defense under subsection (2).

(4) If the obligor presents evidence which constitutes a full or partial defense, the court shall, on the request of the obligee, continue the hearing to permit further evidence relative to the defense to be adduced by either party. However, if the obligor acknowledges liability sufficient to entitle the obligee to income withholding, the court shall require income withholding for the payment of current support payments under the support order and of so much of any arrearage as is not in dispute, while continuing the hearing with respect to those matters still in dispute. The court shall determine promptly those matters still in dispute and, if appropriate, shall modify the withholding order to conform to that determination.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)
Act 216 of 1985

552.679 Order of income withholding; manner of taking effect; notice.

Sec. 9. If the obligor does not request a hearing in the time provided, or if a hearing is held and it is determined that the obligee has or is entitled to income withholding under the law of the jurisdiction that issued the support order, income withholding shall be ordered and shall take effect in the manner provided in section 7 of the support and parenting time enforcement act, being section 552.607 of the Michigan Compiled Laws. The office of the friend of the court shall notify the agency or party that sent the documentation under section 6 of the date upon which withholding will begin.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)
Act 216 of 1985

552.680 Payments made and received pursuant to order of income withholding; validity of support order; more than 1 support order in effect for support of 1 person by same obligor.

Sec. 10. (1) An order of income withholding under this act shall direct payment to be made to the office of the friend of the court or the state disbursement unit, as appropriate. The office of the friend of the court or SDU shall promptly transmit payments received pursuant to an order of income withholding based on a support order of another jurisdiction entered under this act to the agency or person designated in section 6(2)(e)(iii).

(2) A support order entered pursuant to section 6 does not nullify and is not nullified by a support order entered by the court in this state pursuant to another law or a support order entered by a court of another state. If more than 1 support order is in effect for the support of 1 person by the same obligor, then amounts collected by income withholding and credited against an amount owing for a particular time period under any 1 order shall be credited against amounts owing for the same time period under all such orders.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)
Act 216 of 1985

552.680a Transition to centralized receipt and disbursement of support and fees.

Sec. 10a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.681 Obligor obtaining employment or having new or additional source of income in another state; duty of office of friend of court.

Sec. 11. If the office of the friend of the court determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, it shall notify the person or agency which requested the income withholding of the changes within 7 days after receiving that information and shall forward to that person or agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.682 Voluntary income withholding.

Sec. 12. A person who is the obligor on a support order of another jurisdiction may obtain voluntary income withholding by filing with the office of the friend of the court in the county in which withholding is sought a request for income withholding and a certified copy of the support order of the other jurisdiction. The court shall enter an order of income withholding and the order shall take effect immediately. An order of income withholding entered under this section shall be treated in all respects in the same manner as other orders of income withholding entered pursuant to this act.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.683 Applicable law.

Sec. 13. (1) Except as otherwise provided by subsection (2), the law of this state shall apply in all actions and proceedings concerning the entry, enforcement, and duration of orders of income withholding entered by a court in this state, based upon a support order of another jurisdiction entered pursuant to section 6.

(2) The law of the jurisdiction that issued the support order shall govern all of the following:

(a) The interpretation of the support order entered under section 6, including the amount, form of payment, and duration of support.

(b) The amount of support arrearages necessary to require the issuance of an order of income withholding.

(c) The definition of which costs, if any, in addition to the periodic support obligation, are included as arrearages that are enforceable by income withholding, including but not limited to interest, attorney's fees, court costs, and costs of paternity testing.

(3) The statute of limitations of this state for maintaining an action on support arrearages shall apply.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.684 Effective date.

Sec. 14. This act shall take effect on March 1, 1986.

History: 1985, Act 216, Eff. Mar. 1, 1986.

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)

Act 216 of 1985

552.685 Conditional effective date.

Sec. 15. This act shall not take effect unless all of the following bills of the 83rd Legislature are enacted into law:

(a) Senate Bill No. 227.

(b) Senate Bill No. 228.

History: 1985, Act 216, Eff. Mar. 1, 1986.

Compiler's note: Senate Bill No. 227, referred to in § 552.685, was filed with the Secretary of State January 8, 1986, and became P.A. 1985, No. 209, effective Mar. 1, 1986. Senate Bill No. 228, also referred to in § 552.685, was filed with the Secretary of State January 8, 1986, and became P.A. 1985, No. 210, effective Mar. 1, 1986.

THE HEALTH CARE FALSE CLAIM ACT (EXCERPT)
Act 323 of 1984

752.1001 Short title.

Sec. 1. This act shall be known and may be cited as “the health care false claim act”.

History: 1984, Act 323, Eff. Mar. 29, 1985.

THE HEALTH CARE FALSE CLAIM ACT (EXCERPT)
Act 323 of 1984

752.1002 Definitions.

Sec. 2. As used in this act:

(a) “Claim” means any attempt to cause a health care corporation or health care insurer to make the payment of a health care benefit.

(b) “Deceptive” means making a claim to a health care corporation or health care insurer which contains a statement of fact or which fails to reveal a material fact, which statement or failure leads the health care corporation or health care insurer to believe the represented or suggested state of affair to be other than it actually is.

(c) “False” means wholly or partially untrue or deceptive.

(d) “Health care benefit” means the right under a contract or a certificate or policy of insurance to have a payment made by a health care corporation or health care insurer for a specified health care service.

(e) “Health care corporation” means a nonprofit dental care corporation incorporated under Act No. 125 of the Public Acts of 1963, being sections 550.351 to 550.373 of the Michigan Compiled Laws; a hospital service corporation, medical care corporation, or a consolidated hospital service corporation and medical care corporation incorporated or reincorporated under Act No. 350 of the Public Acts of 1980, being sections 550.1101 to 550.1704 of the Michigan Compiled Laws, or incorporated or consolidated under Act No. 108 or 109 of the Public Acts of 1939; or a health maintenance organization licensed under Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws.

(f) “Health care insurer” means any insurance company authorized to provide health insurance in this state or any legal entity which is self-insured and providing health care benefits to its employees.

(g) “Health facility or agency” means a health facility or agency, as defined in section 20106 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20106 of the Michigan Compiled Laws.

(h) “Knowing” and “knowingly” means that a person is in possession of facts under which he or she is aware or should be aware of the nature of his or her conduct and that his or her conduct is substantially certain to cause the payment of a health care benefit. “Knowing” or “knowingly” does not include conduct which is an error or mistake unless the person's course of conduct indicates a systematic or persistent tendency to cause inaccuracies to be present.

(i) “Person” means an individual, corporation, partnership, association, or any other legal entity.

History: 1984, Act 323, Eff. Mar. 29, 1985.

THE HEALTH CARE FALSE CLAIM ACT (EXCERPT)
Act 323 of 1984

752.1003 False claims, statements, or representations; violation as separate offense; liability of health facility or agency; concealing or failing to disclose certain events; violation of section as felony; penalty; section inapplicable to application for coverage.

Sec. 3. (1) A person shall not make or present or cause to be made or presented to a health care corporation or health care insurer a claim for payment of health care benefits knowing the claim to be false.

(2) A person shall not make or present or cause to be made or presented to a health care corporation or health care insurer a claim for payment of health care benefits which he or she knows falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards. Each claim which violates this subsection shall constitute a separate offense. A health facility or agency shall not be liable under this subsection unless the health facility or agency, pursuant to a conspiracy, combination, or collusion with a physician or other provider, falsely represents the medical necessity of the particular goods or

services for which the claim was made.

(3) A person shall not knowingly make or cause to be made a false statement or false representation of a material fact to a health care corporation or health care insurer for use in determining rights to health care benefits. Each claim which violates this subsection shall constitute a separate violation.

(4) A person who, having knowledge of the occurrence of an event affecting his or her initial or continued right to receive a health care benefit, or the continued right of any other person on whose behalf he or she has applied for or is receiving a health care benefit, shall not conceal or fail to disclose that event with intent to obtain a health care benefit to which the person or any other person is not entitled, or to obtain a health care benefit in an amount greater than that to which the person or any other person is entitled.

(5) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years, or by a fine of not more than \$50,000.00, or both.

(6) This section does not apply to statements made on an application for coverage under a certificate or policy of insurance issued by a health care insurer or coverage under a certificate issued by a health care corporation.

History: 1984, Act 323, Eff. Mar. 29, 1985.